

**A brief outline of the rise, progress, and failure of the revolutionary scheme of the nineteen Van Buren electors of the Senate of Maryland, in the months of September, October and November 1836.**

A BRIEF OUTLINE OF THE RISE, PROGRESS, AND FAILURE OF THE REVOLUTIONARY SCHEME OF THE NINETEEN VAN BUREN ELECTORS OF THE SENATE OF MARYLAND, IN THE MONTHS OF SEPTEMBER, OCTOBER, AND NOVEMBER, 1836.

May no such storm Fall on our times, where Ruin must Reform!

Baltimore: PRINTED BY SANDS & NEILSON.

N. E. CORNER OF BALTIMORE & CHARLES-STs.

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DEDICATION.

TO THE NINETEEN RECUSANT SENATORIAL ELECTORS OF MARYLAND, THE FOLLOWING PAGES ARE RESPECTFULLY DEDICATED, TO THE END, THAT THE MEMORY OF THE DEED MAY LIVE WHEN THEY SHALL HAVE BEEN FORGOTTEN!

### **A BRIEF OUTLINE.**

It is the fixed conviction of the author of this brief outline, that the Revolution which separated this province from the mother country, and gave her a station among the nations of the earth, was intended by our patriotic and sagacious forefathers as the parent of a republican *settlement*, and not as a nursery of *future revolutions*. In the struggle which for a time unsettled the frame of government in Maryland, he does not hesitate to avow, that his association was with those, who, with a generous zeal, devoted all the powers of their heads, hands and hearts to the maintenance of peace, government, and good order. He was one of those, who could recognize, in the discharge of his duty as a citizen of the State of Maryland, no distinction between foreign aggression and the organized action of party feud or civil commotion. Having participated in the stormy discussions which resulted from this irregular and unprecedented movement, it is not improbable that he may have done less than justice to its projectors, and that in his devotion to the cause of order, he may have overlooked the merits of the friends of revolution.

He has felt it due to himself, as well as to the public, thus frankly to avow not only his participation in the struggle, but also the feelings by which he was influenced. But the

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considerations which impelled him to engage in the controversy, have induced him closely to observe the action of the contending parties, and diligently to collect and preserve the proceedings and documents, which may enable him to present to the world, if not a full history, at least a brief and correct outline of the projected revolution in the government of Maryland. The observations of the writer, when he proceeds with his narrative, will be strictly confined to such expositions as may be necessary to connect or to illustrate such documents and proceedings as he may exhibit, in order to present to readers, as well within as without the State, a clear and comprehensive view of the subject.

Independent of other circumstances, the corrupt administration of the federal government for the last six or eight years, and the levelling movements in Pennsylvania and Maryland during the last three months, evince such looseness in public morals as not only to endanger the integrity of our republican institutions, but to render still problematical the capability of man for self-government. In the brief period of sixty years from the foundation of our government, while our institutions are yet in their infancy, reflecting men have been amazed at the alarming and gigantic strides of a youthful people in the paths of precocious corruption. Throughout the whole confederacy, from the fervid shore of Florida to the bleak frontier of the Canadas, the spirit of levelling, misrule, and disorder seem to pervade the land. The frame work of our institutions—the sanctity of contracts—public faith—and public credit—the arm of government,—shrink and wither before the breathings of this turbulent spirit.

As this revolutionary spirit has first met with a decided rebuke in the State of Maryland, there is both at home and abroad a laudable anxiety to be fully informed of all the proceedings connected with the projected revolution of the Nineteen Recusant Senatorial Electors. As well to subject to the salutary censure of public opinion the refractory and insubordinate, as to encourage in the faithful discharge of duty the lovers of order, this brief and feeble outline has been attempted. The documents and proceedings connected with the late revolutionary movements in this State were originally compiled for the private use of the writer, but yielding to the suggestions of others, he has been induced

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to give them publicity for the information of those who have been less diligent in their preservation. The records of our own times, as well as the history of the past is philosophy teaching by example.

There is no wholesome truth, which should be more deeply impressed upon the people of this country, than that governments should not be changed for light and transient causes. And although we fully concur in the language of the Maryland Bill of Rights, that “the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind”; and that “the people may, and of right ought, to reform the old or establish a new government”: yet, in the words of the same section, this is only justifiable when the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual“. An enumeration of the acts of tyranny, oppression, and misrule which justify Revolution in the estimation of those illustrious men who framed our political establishments, may be found in the Declaration of American Independence.

It has become a dangerous practice in our times to consider the reformation of old, or the institution of new governments as a light and easy task, requiring little labour, learning or experience; and such is the familiarity of our intelligent population with the abstract rights of man, that it is a matter of no great difficulty for aspiring demagogues to attempt, under colour of reform, the subversion of a government. This is a frightful delusion, and is well calculated not only to endanger the permanency and stability of government, but to enfeeble the attachment of a free people for those excellent institutions, the rich inheritance of their forefathers, which should be interwoven with every fibre of their hearts.

The free spirit which has been breathed into our institutions is not of yesterday. It has been borrowed from the collected wisdom of successive ages. Our free institutions have descended to us from a long line of illustrious ancestors; and no consideration is so well calculated to endear them to us, as to accustom ourselves to view them as a priceless inheritance from our forefathers, which we are bound to transmit unimpaired to

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our posterity. An idle spirit of innovation is exclusively selfish in its character; but those who look back with reverence to their ancestors, are for the most part 7 thoughtful of their posterity. Those who are accustomed to consider their frame of government as an inheritance, cherish at the same time a principle of conservation as well as a principle of transmission; and looking upon it as a kind of family settlement, they combine the interests of the State with the charities of social life, the affections of the heart, and with the sanctity of their hearths, their sepulchres, and their altars.

Our institutions are certainly venerable for their wisdom, and a sound and philosophic mind may discard all superstitions reverence for antiquity, and yet delight to trace in the hidden recesses of time, the germ of this free government. Lineal descendants of the Anglo-Saxon, we are proud to discover in the forests of Germany, among the only people whom the arms of Imperial Rome could never subdue, that scion of freedom, which transplanted in a new world, has grown up, and stretched forth its arms to the four winds of heaven, until it overshadows a continent from the Pole to the Equator. In England through the lapse of centuries, and through the vicissitude of times and events, it has flourished like her own native oak, in a perpetual course of progression, decay, and renovation.

These remarks are designed, not to check or to rebuke the spirit of temperate, peaceful, and salutary reform; but to suppress that inquietude, and to subdue that thirst for novelty, which leaving the ancient landmarks far behind, would plunge at once, wither skill or experience, into the turbid and tempestuous waters of innovation. There are unquestionably inequalities in the operation of the present frame of government in this State, which should be speedily remove. There appears to be, on this subject but one opinion throughout the State; and the only difficulty consists in the mode and extant of reform. And if in a time of profound peace it has been hitherto found impracticable to adjust these points speedily, there can be little hope of settling them amicably and satisfactorily in the midst of party feud and revolution.

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We will now proceed to unfold the proceedings of those reformers in the State of Maryland, who attempted by a revolution “ *to reform the old, and to establish a new government,*” before the “*ends of government were perverted, public liberty manifestly endangered, and all other means of redress found ineffectual.*”

Throwing aside all the salutary restraints of law, and forgetful of the first duty of citizens, the Nineteen Recusant Electors, and their supporters, boldly avowed the destructive doctrines of Mr. Dallas, and relied upon the support of a majority of that people, who, to shield themselves from the horrors of anarchy, might be induced to adopt such government as might be framed for them by the Destructives to succeed the establishment they laboured to subvert.

The framers of the Constitution of Maryland were for the most part the sages of the Revolution. The Convention which assembled for that purpose were required to discharge a duty of extreme difficulty. There were conflicting and disparted interests in the State, springing from its geographical position, which had little or no existence in other States. The lower counties were densely, and the upper or western counties sparsely populated; the former contained a large proportion of slave population, while the settlers of the latter were almost exclusively white. The city of Annapolis, at that time the seat of government, and the town of Baltimore required 8 peculiar and special attention. And above all, the division of the territory of Maryland into the Eastern and Western Shores, required such recognition and protection of the rights and interests of each, as infused into the Constitution somewhat of the appearance, if not of the spirit of a compact between the counties of the opposite shores. Notwithstanding the difficulties and perplexities which attended the labours of the Convention, they proceeded to ordain for the State of Maryland a Constitution or frame of Government, which, if we are correctly informed, was a theme of just eulogy to the eminent Statesmen, who in framing the Constitution of the United States borrowed largely from its chaste and beautiful design. The Constitution of Maryland was long considered a faultless model.

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It has never been denied by the most reckless among these disorganizers who have for years been labouring to bring into disrepute the Institutions of their native State, that the government of Maryland was originally framed in a spirit of justice and equity, giving to every portion of the State due influence and power, and that for a long time its operation was just and equal. On the other hand the friends of law and order will readily admit, that owing to the operation of causes unforeseen by our sagacious forefathers, inequalities have grown up, which have become burdensome to certain portions of the State, and should be speedily removed. The city of Baltimore at the time of the adoption of the Constitution appeared to have been in a state of decline, for we find provision made in the organic law for depriving her of the representation then allowed in the event of further decay. That city now contains in round numbers little less than one hundred thousand souls.

The resources of the western counties have since that time been developed, their fertile vallies densely populated, until the operation of the government as originally established, is to that city and to those counties unjust and unequal. But these inequalities should be removed in the same spirit which influenced our revolutionary fathers at the time of the adoption of the present Constitution. Public opinion, which is ever on the side of right and justice, and which in this country is irresistible, is the only agency which should be used for the attainment of this desirable object.

It is true that there has been on the part of the smaller counties much reluctance to surrender too hastily the undue share of power they possess; while it must be admitted there has been on the part of Baltimore and the larger counties, a feverish and harsh tone of demand, which rather retarded than hastened reform.

All changes and modifications of government, as they operate upon conflicting interests, should proceed in a spirit of compromise; for the spirit of compromise induces an impartial consideration of the several interests of the component parts of the government, and by a gentle, cautious, and peaceful action, begets that spirit of moderation and forecast,

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so essential to the formation of a wise and stable government. A State without the capability of change is without the means of conservation; and can only be remodelled by a Revolution, which is the direct opposite of Reform. The POWER of a people or a majority of them to overthrow their government at pleasure, should be accurately distinguished from the RIGHT so to do. To deny that a people can enter into solemn compacts to bind themselves and their posterity, is the destructive doctrine of Mr. Dallas; and to assert that a supposed majority, in a moment of temporary delusion or excitement may rightfully subvert existing institutions, as whim, or caprice, or party may suggest, is the Jacobinical creed of the Nineteen Seceding Electors.

Having exposed the unequal operation of the government of Maryland, it now becomes necessary to trace the action of the two great political parties on the subject of reform; and as the late revolutionary movement received its first motion in Frederick county, we will for the present direct our attention to that quarter. Some time during the spring or summer of 1833, the whig party of that county proposed to their political opponents to unite, without distinction of party, in the prosecution of Reform. The proposition was accepted in apparent good faith, and a joint meeting took place, and a joint committee was appointed, to shape the future action of the people. The committee could not concur; whereupon the Jackson branch of the committee presented and commenced reading a report, reflecting most indecently upon one of the Whig chairmen of the meeting. This conduct being properly resented, the meeting broke up in confusion. From that moment the banner of Jackson reform was unfurled, and "The Party" refused peremptorily to unite in the prosecution of Reform, and passed resolutions denouncing such members of their party as should advocate such union.

In 1836, the policy of the Jackson party changed, and its leaders sought an alliance with their political adversaries to effect the same object. The Whigs, always sincere in their attachment to reform, and thoroughly convinced that it could never be obtained upon party grounds, generously overlooked the past, and cordially united with the Jackson party in several counties of the State, in the election of delegates to a Reform Convention,



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which assembled in the city of Baltimore on the sixth of June, 1836. In that Convention the counties of Cecil, Harford, Baltimore, Frederick, Montgomery, and Washington, and Baltimore city, were represented. The following resolutions were adopted:

1st. *Resolved*, That it be recommended by this convention, to the people of the counties and cities friendly to a reform of the constitution of the state, to elect, at the next October election, delegates faithfully pledged to the people to introduce and support a bill to provide for taking the sense of the people on the question of reforming the constitution of the state, on the first Monday in May, 1837, and in the event of a majority of the people declaring themselves in favor of such reform, providing in the same bill for the calling of a convention for that object.

2d. *Resolved*, That in the bill providing for the call of a convention, the members of the convention ought to be distributed equally among the several congressional districts of this State, with the exception of the fourth, which being a double congressional district, ought to have twice the number of representatives of any other district—that the members of the convention should be elected on the *first Monday in June*, 1837, to assemble in the city of Annapolis, *on the 4<sup>th</sup> day of July*, thereafter, to prepare and present a constitution for the ratification of the people of Maryland at the following October election.

3d. *Resolved*, That if within forty days after the commencement of its session, the legislature shall refuse or neglect to provide for ascertaining the sense of the people of the State upon this important question, and for 2 10 calling a convention as prescribed in the previous resolutions, the president of this convention is hereby required forthwith to convene this convention for the adoption of such ulterior measures as may then be deemed expedient, just and proper, and as may be best calculated, *without the aid of the legislature*, to ensure the accomplishment of the desired results.

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4th. *Resolved*, That this convention respectfully recommend the appointment of delegates to the convention from such portions of the state as may not heretofore have made such appointments.

It will be observed that this Convention having been composed of delegates from each of the two great political parties, they were solemnly bound to each other to adhere to the mode of reform indicated in these resolutions.

The covenant which the members of this Convention of either party made with each other, was, that they would await the action of the next session of the legislature; and if within forty days no convention should be authorised, the "President of the Convention then sitting should be required forthwith to convene the same Convention again for the adoption of such ulterior measures as might then be deemed expedient, just, proper, and best calculated, *without the aid of the legislature*, to ensure the accomplishment of the desired results." They adjourned with a solemn pledge to each other, and with a recommendation to the people whom they claimed to represent, that they would abide the action of the next legislature. The Whig members of that Convention remained true to their pledge. But it will be found in the progress of this outline, that the Nineteen Van Buren Electors falsified that engagement, and attempted to DESTROY THAT VERY LEGISLATURE, WHICH THEY WERE ELECTED TO CREATE, AND TO WHICH THEIR PARTY HAD PROMISED TO APPEAL.

Before proceeding further, it becomes necessary to revert to the Constitution of the State of Maryland to ascertain the mode of Reform thereby indicated, as well as the prescribed duties of the Senatorial Electors.

In speaking of the Constitution of Maryland, in the preceding remarks, we have applied that term to the whole organic or fundamental law, including the Bill of Rights. Hereafter it may be proper to consider them distinctly; bearing in mind, however, that both were

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framed by the same Convention, had relation to each other, and were drawn up about the same time.

The fourth section of the Bill of Rights distinctly recognizes the RIGHT OF REVOLUTION BY THE PEOPLE, and points out the circumstances which alone can justify it: while the fifth-ninth article of the Constitution indicates the only mode in which any part of the Constitution or Bill of Rights may be altered, reformed, or abolished by the Legislature. All free governments are supposed to possess inherently the capacity of change or reformation whenever the great body of the people unite and concur in the contemplated change. But in the Constitution of Maryland this corrective or alterative power is directly asserted and clearly regulated. This power is vested in the representatives of the people, subject however to the controlling power of the people themselves in their primary capacity at the polls.

The Fourth Section of the Bill of Rights is in these words: "That all "persons invested with the legislative or executive powers of government "are the trustees of the public, and as such, accountable for their conduct; 11 "wherefore, *whenever the ends of government are perverted, and public "liberty manifestly endangered, and all other means of redress are ineffectual,* " the people may, and of right ought, to reform "the old, or establish "a new government; the doctrine of non-resistance against arbitrary "power is absurd, slavish, and destructive of the good and happiness of "mankind."

The Fifty-Ninth Article of the Constitution is thus expressed: "This "form of Government and the Declaration of Rights, and no part thereof, "shall be altered, changed, or abolished, unless a bill so to alter, change, or "abolish the same, shall pass the General Assembly, and be published at least "three months before a new election, and shall be confirmed by the General "Assembly after a new election of delegates, in the first session afar such "new election. Provided, that nothing in this form of Government, which "relates to the Eastern Shore particularly, shall at any time hereafter be altered, "unless for the

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alteration and confirmation thereof at least two-thirds of “all the members of each branch of the General Assembly shall concur.”

In order to understand fully the late condition of affairs in this State, it is deemed advisable to insert here a part of the oath token by the members of the legislature. By Article 34 of the amendments of the Constitution, “Every member of the Senate and House of Delegates, before he shall act “as such, shall take and subscribe the following oath or affirmation, to “wit: I, A.B. do swear, (or affirm,) that I will be faithful and bear true allegiance “to the state of Maryland, and that I will support THE CONSTITUTION “AND LAWS THEREOF.”

Now, inasmuch as the Bill of Rights only justifies or permits Revolution, or the right to “*reform the old, or to establish a new government,*” (except in the mode designated by the Constitution,) “*whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual;*” it would seem to follow necessarily, that no man who has sworn to support the laws and Constitution of Maryland, can participate in any revolutionary action, except in the case specified, without a violation of his oath of allegiance. So much for Revolutionary Reform. But again, as to Conventional Reform under the sanction of the legislature.

By the Forty-second article of the Declaration of Rights it is ordained, “That this Declaration of Rights, or the form of government (Constitution) “to be established by this Convention, or any part of either of them, “ought not to be altered, changed, or abolished, BY THE LEGISLATURE “OF THIS STATE, but in such manner as this Convention shall prescribe “and direct.” Now, this mode is prescribed strictly by the fifty-ninth article of the Constitution subsequently adopted by the same convention. This ordinance is strict and imperative, and *exclusive of any other mode of change or reformation* by or through the legislature, and is indissolubly binding upon the consciences of those legislators who have sworn to support the “ constitution and laws of Maryland. ” This argument leads to the direct conclusion, that until the Fifty-ninth article of the Constitutions and perhaps the

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Forty-second article of the Declaration of Rights are replied by two successive sessions of the Legislature, that body cannot conscientiously or rightfully *either direct or recommend, or take any initiatory or incipient step towards directing, recommending, or aiding a Convention of the People to alter or amend, or abolish the present frame of government, or to establish another.*

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We have now thrown sufficient light upon the field we propose to traverse, to enable us to view objects correctly and distinctly. From the high ground of Constitution and law, which we now occupy, we may clearly trace the tortuous and frantic movements of the Nineteen Recusant Senatorial Electors of Maryland.

If, upon a severe investigation of the conduct of these Nineteen Electors, an impartial observer can be satisfied that they were prompted solely by the desire to redress the inequalities which prevailed in the operation of the State Government, and had been elected for that purpose by their constituents; then they are *only* guilty of a breach of a high and solemn trust, which they had earnestly solicited, and of a conspiracy to subvert a government which many of them had directly sworn, and all were bound, to uphold. But if in the course of this enquiry it should be ascertained, beyond peradventure, that on the eve of the Presidential election, they have colleagued among themselves and with the tools of a faction *to Van Burenise the State under colour of Reform*, and to sell for the miserable price of party, the peace and integrity of the State of Maryland; then have they richly merited the execrations of a betrayed and insulted people. If with the presumptuous audacity of Uzzah, but with more criminal intent, they have raised their hands, not to support, but to overthrow the Ark of the Covenant; though the divine wrath may not instantly pursue, the indignation of a free and loyal people will speedily overtake them. In proportion to the magnitude of the crime should be the candour and severity of the inquisition.

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The Senate of Maryland is composed of Fifteen members, who are elected every Five years, not immediately by the people, but through the intervention of a College of Electors, forty in number, who are elected by the people. Two of these Electors are elected from each of the Nineteen Counties, and one from each of the two cities in the State. On the First Monday in September, 1836, the Nineteen Recusant Van Buren Electors, as well as the Twenty-one Whig Electors were elected by the people to appoint a Senate. Their duties are clearly pointed out in the Fifteenth article of the Constitution, which ordains: "That the said Electors of "the Senate meet at the city of Annapolis, or such other place as shall be "appointed for convening the legislature, on the third Monday in September, "1781, and on the same day in every fifth year forever thereafter, and "they, or any twenty-four of them, so met, shall proceed to elects by ballot, "either out of their own body, or the people at large, fifteen senators, "(nine of whom to be residents of the Western, and six to be residents of "the Eastern Shore,) men of the most wisdom, experience, and virtue, "above twenty-five years of age, residents of the State above three whole "years next preceding the election."

The requisitions of this ordinance are plain and simple, direct and imperative: first, " *that the Electors meet at the place appointed for convening the legislature, on the third Monday in September;*" secondly, " *that when so met they proceed to elect, by ballot, fifteen senators;*" thirdly, that the Senators elected be " *men of the most wisdom, experience, and virtue.* " It is not necessary in this place to discuss the right of the people to elect and to require the services of any citizen of the State, legally qualified, in 13 the discharge of any public function, for it will not be denied that the Nineteen Recusant Electors voluntarily accepted the trust with which they were honoured. Arrogating to themselves functions with which they had never been clothed, they did "meet at the place appointed on the third Monday in September"; but they did not "proceed to elect by ballot, fifteen Senators." They utterly refused to join their associates in the College, unless the majority would concede to them, the minority, the appointment of a majority of the Senate. It may be proper here to remark, that for two days subsequent to the election of Electors, it was confidently

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believed by both parties in the city of Baltimore, and in our neighbouring city of Frederick, that twenty-one Van Buren members of the electoral college, and only nineteen Whig members had been elected. During this time there was not heard a whisper of Reform, but the two cities were filled with bonfires and rejoicings for the success of the Van Buren party, who were busily engaged in apportioning the spoils among the victors. But as soon as it was ascertained that the case was reversed, and the Whigs triumphant, " Reform or Revolution " became the war cry of " the Party. " By the Constitution of Maryland no Senate can be elected unless TWENTY-FOUR Electors be present in the College. Availing themselves of this provision, which seems to have been designed for the protection of the counties on the Eastern Shore, who were separated from the capital by the Chesapeake Bay, five of the Nineteen Van Buren Electors were instructed by a meeting in one of the fourteen election districts of Frederick county, and another of Cecil county and in the city of Baltimore, to refuse to meet the Twenty-one Whig Electors, or to go into an election of Senate, unless (in substance) the Twenty-one would pledge themselves to elect Eight Van Buren Senators, a majority of the whole body. At the meeting in Frederick county, Francis Thomas, a representative in Congress, and the prime instigator of this secession, M. E. Bartgis, and five others were appointed a Committee, who reported, among others, the following resolutions, which were unanimously adopted:

Whereas, The 15th section of the Constitution declares that NO SENATE CAN BE FORMED, UNLESS TWENTY-FOUR ELECTORS agree to meet for the appointment of the members of which it is to consist:

Therefore, *Resolved*, That the Senatorial Electors of this County, be instructed to require of the Twenty-one Whig Electors, a pledge, that no member of the former Senate, and no member of the House of Delegates who opposed the bill calling a Convention of the people, shall be elected to the next Senate of the State. That at least eight of the members of the Senate to be chosen by the Electoral College shall be selected from among persons known to entertain opinions and sentiments coinciding with the principles and opinions held by, and governing a majority of the people (205,922,) who have elected Nineteen

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Van Buren Electors, and that, in the formation of the Senate, there shall be a majority of members known to be favorable to such a thorough and radical reform of the Constitution of the State as will ensure to all citizens living under it, equal political rights and privileges.

*Resolved*, That unless the pledges required by the preceding resolution, are solemnly given in true faith, the two Electors from this county, be requested to refuse to enter into an election of Senators: *Provided*, that the 14 Electors from other counties and cities, having a majority of the white population of the State therein, will co-operate with them to defeat the election of a Senate, hostile to a reform in the Constitution, to the extent required in the first resolution.

*Resolved*, That our friends in the counties and cities, that have elected Van Buren Reform Electors, are earnestly invited and recommended to join us in these measures, as the only means by which we can avoid the fate of being again compelled to submit for five years at least, to the tyranny of a government, wielded and controlled by a small and aristocratic minority of the people of the State.

On motion of Mr. M. E. Bartgis, the preamble and resolutions were submitted to the meeting, and unanimously adopted, and were on motion ordered to be printed in the newspapers of the State.

When on motion, the meeting adjourned to meet again, at the same place, on Wednesday evening next.

*Chairmen.*

GEO. W. ENT,

H. NIXDORFF,

*Secretaries.*



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J. J. Steiner,

Wm. Tyler, Jr.

It has been roundly asserted by the supporters of the Nineteen Recusant Electors, that they were not instructed to require a majority of Van Buren Senators, but only a majority of Reformers in the New Senate. Upon a close examination of the first of the above resolutions, it will be discovered, that while the latter clause speaks of a "majority of members of the Senate known to be favorable to radical Reform," the former clause indicates Senators, "known to entertain opinions coinciding with the principles and opinions governing a majority of the people who elected the Nineteen Van Buren Electors." Now, in the name of reason, who elected the Van Buren Electors? Did the Whigs elect them? The Whigs elected the Twenty-one faithful, and the Van Burenites the Nineteen unfaithful public servants. But although the secret design is obvious to intelligent readers; yet, there is both in this resolution, and in the publication of the Nineteen Electors, a studied attempt at concealment in the language. It will soon be apparent, that the object of this duplicity, was to hold out to their own adherents the ascendancy of their party, after it had been prostrated by the result of the constitutional vote in September; and by the pretence of uncommon zeal for Reform, to seduce from the purity of their principles those Whigs, who were known to be warm advocates of Reform. This taint of duplicity clings with the tenacity and loathsomeness of leprosy to the whole subsequent action of the Recusant Nineteen, their prompters, aiders and abettors. It is well known that the September Elections threw the Van Buren party in the State into a minority; that the Presidential election was close at hand, and that without some bold and decisive movement, there were no hopes for Mr. Van Buren in Maryland; and that the Nineteen V. B. Electors, in pursuance of the instructions of the revolutionary coteries in Frederick, Baltimore, and Cecil, peremptorily refused to discharge their high and solemn trust.

The Address of the Nineteen, which is subjoined, is said to have been the production of a lawyer; but such is the gross ignorance of the first principles of law apparent on its face;

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and such is its puling puerility, that even 15 the Nineteen and “the party” have blushed for the weakness of their defence. Commencing in the lofty tone, and almost in the language of the Declaration of Independence, it rapidly dwindles into a political rhodomontade, which would have reflected little credit on a wrangling sophister.

### ADDRESS.

Impelled by a deep and solemn sense of duty to acquiesce in the necessity which imperiously required a surrender into your hands of the high trust committed to us—it becomes us to submit fully and frankly the considerations by which our conduct has been influenced. It is well known that, in those counties and cities which we represent, the great body of the people are unchangeably rivetted in the conviction, that the government of this State is based and administered upon unjust and anti-republican principles, and that similar views are entertained by respectable numbers of our fellow-citizens residing in other parts of the State. That such an opinion is well founded, seems scarcely to admit of controversy. By the existing government, the Governor and members of the Senate are not elected directly, as they ought to be, by the people; and many public officers who ought to be subjected to the control of those whose trustees they are, hold their respective offices, contrary to sound political principle, by a tenure for life.

In the formation of both branches of the Legislature political power is apportioned arbitrarily without regard to any principle of moral or political justice, our representation in the Electoral college and House of Delegates, is not based upon population nor territory, nor a mixture of both. But every acknowledged and just foundation is disregarded, and an arbitrary rule substituted, by which the majority is allowed fewer representatives than the minority: thus inverting the first principles of a free government, and rendering the majority's inalienable rights of personal liberty, personal security and personal property, subject to the operation of laws, in the enactment of which, they are not permitted an equal participation.

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Whatever may have been the views or principles with reference to which the government of Maryland was instituted, it is perfectly manifest that its practical operation carries out and enforces, to a most odious extent, the minority's right to rule. It pervades the whole compact and enters into the constitution of each department of the Government.

By the organization of the Legislative powers, the counties of Kent and Calvert, with a population of 19,401, are allowed as many representatives in the Senatorial Electoral College and the House of Delegates as the counties of Frederick and Washington with a population of 71,056, and Kent and Calvert, each, have double the number of delegates allowed to the city of Baltimore with a population of 80,625.

The executive department is the *creature* of the Legislature, being elected thereby, the judicial and most of the civil officers receive their appointment from the executive; so that the minority of one-fourth of the people having the right to elect a majority of the members of the Legislature, control all the departments of the government. This minority not only rules and governs in the enactment of the laws, but likewise in the appointment of those by whom they are to be expounded, administered, and enforced. Can a government thus organized, be termed republican! The tenure of the rights and immunities of the majority is thus held at the will of so small a minority, that it cannot be expected, such flagrant injustice will be forever endured. We do not believe that any respectable portion of our fellow-citizens, who will, without prejudice, calmly contemplate this gross inequality of political rights, can desire to perpetuate it. We have too much confidence in the high sense of justice, the virtue and patriotism of the people of Maryland to believe that they will, when well informed as to the extent of the evils we have attempted to arrest, condemn the measure which has been adopted for that purpose.

It is true, the framers of our Constitution, foreseeing that amendments would become necessary, in that instrument, have authorized the Legislature to correct all the evils of which the people of Maryland justly complain. And it may be asked, why have we undertaken to arrest the formation of one branch of that body with which the power is

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entrusted. To such an enquiry a satisfactory answer may be readily given. The present constitution was formed in 1776, and at that time the representatives in the House of Delegates and in the Electoral College were apportioned amongst the several counties and cities in proportion to their population as nearly as that could be done. Our fathers, then, recognized freely the binding force of that great principle that all freemen have an inalienable right to enjoy equal rights in the choice of their governors. Anticipating those changes which have occurred in the condition and location of the population of the State, those who established our constitution gave power to the Legislative department to incorporate those amendments therein, which experience and time might make expedient and just. We must say, and all candid men will confess, that this solemn trust has not been faithfully exercised. Year after year, repeated, earnest petitions have been presented to the Legislature, asking, praying, and at last, demanding a redress of those gross grievances of which the majority of the people have long complained. These petitions and memorials have been again and again rejected. The minority, who rule, have persisted for nearly half a century in disregarding the just demands of the majority who are governed. What then was to be done? Were the Republican yeomanry of Maryland to be doomed to endure that galling yoke of political bondage which has so long pressed heavily on them, and is felt to be more insufferable because the freemen of almost every State in the Union delight in the enjoyment of equal and equitable political principles. Tame submission was not to be thought of with the least patience, and the undersigned proceeded to examine, with anxious solicitude, the extent and nature of the power entrusted to them, to discover a mode in which it could be peaceably and honorably exercised so as to provide an effectual remedy. We preferred that an arrangement should be made with our colleagues in the Electoral College by which the rights of our constituents could be secured, and the honor and prosperity of the whole people of the State be promoted. The nature of that arrangement and the cause of its failure is disclosed in the accompanying correspondence. The first letter proposed an equitable apportionment of the members of the Senate amongst the several counties and cities. It was on the day of its date, delivered by our Chairman and Secretary, to one of the Electors to whom it was addressed,

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who was in the Senate chamber at the time, in company with others of the twenty-one members of the College, with whom we desired to open a communication at an early day.

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After retaining it a few minutes it was returned to our chairman by the same gentleman, who alledged that no communication of that character could be received until the College had been constitutionally organized.

This proceeding we could but consider unreasonable. We were known to be Electors of Senate and felt fully authorized to correspond with our colleagues touching the discharge of our duties, before or after oath of office had been taken. In pursuance of this opinion, another letter was sent to the same gentlemen, through the same channel and again a refusal to hold a correspondence was the reply. Unavailable efforts was also made informally, by several of the undersigned, by personal applications to other of the twenty-one Electors, to open a correspondence.

Being convinced by these repeated refusals that no Senate could be formed, disposed to respond to the known wishes of our constituents, the high power reposed in us is respectfully returned to the people to whom it belongs legitimately, and by whom we are confident it will be exerted so as to secure to them and their posterity, no matter on what part of the soil of Maryland they may be located, those dear inalienable rights of man for which our fathers fought and bled. We have declined to participate in the election of a Senate in the full expectation that the people of Maryland, in Convention assembled, can and will provide for the election of that branch of their legislature, more wisely than we could have done, and at the same time, organize anew their whole government, subjecting all its functionaries to their sovereign will, and laying its foundations on the immutable principles of liberty, equality and justice.

We are fully sensible that an acquiescence on our part, in the purposes of our colleagues, would not have left without power to redress their wrongs, those whom we represent.

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We might have qualified, and thereby have afforded to those twenty-one gentlemen an opportunity, in conformity with the letter of the Constitution, to elect a Senate, and this too, they would probably have done, although they are the representatives of but 85,179 of the free inhabitants of the state, while three of the undersigned alone have been chosen by 98,419 free inhabitants, and received more votes at the polls than were given to those who claim the right, and were prepared to exercise it, to make one branch of the legislature—a body constituted for, and clothed with power to check and control all the operations of the entire government.—Still, if this had been done, the people of Maryland would not have been absolutely without means of redress. The framers of our Constitution have expressly reserved to them, in our Bill of Rights, the power to reform the old, or establish a new form of government.” But this authority, by the same instrument, is declared to exist only “whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual.” It is manifestly a revolutionary remedy, inherent in all communities, and of which one generation of men cannot deprive those who are to succeed them. And it is obviously a violent mode of redress, not to be thought of until all others have been ineffectually tried. Unwilling that evils and inequalities, oppression and injustice, should be piled, like Ossa on Olympus; on the people until sufferance would no longer be esteemed a virtue, we have taken the responsibility to exert all the power with which you have clothed us, to ensure the permanent peace at the same time that we hope to have provided the means to perpetuate equal laws and equal privileges to the whole of the State, with whose destinies we are all deeply identified. The means used are neither violent nor unconstitutional.

To the three-fifths of the Electoral College, the Constitution has given the power to form the entire Senate of the State. It so happens that those who desire to perpetuate the rule of a party in Maryland, who, it is well ascertained, have forfeited public confidence, do not constitute the number of electors required. The same constitution has secured expressly to seventeen of our members, power to prevent the consummation of this purpose. This provision in that instrument was designed for the protection of the minority. If then, we

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were the representatives of that minority, the power to adopt the course which has been pursued, would not be denied, although its propriety might, under such circumstances, be questioned. But standing as we do, in relation to the people of Maryland, will it not be granted by all liberal, unprejudiced and enlightened Republicans that our conduct, under most delicate and trying circumstances, has been prudent—and may we not, without presumption, add, patriotic.

No political principles are better established than that all public functionaries are but trustees for the benefit of those by whom they have been appointed. And it is equally undeniable that all depositories of political power are bound to surrender it to those from whom it was derived whenever it cannot be exercised for their benefit. These elementary principles have been so often sanctioned—we might say without irreverence, sanctified by the conduct of public functionaries in the country, that instances need not be adduced to show that we have not acted without numerous precedents to justify us. Senators of the United States, Governors, Legislators, Judges, and other officers, or trustees of the people, have repeatedly, when made sensible that they could no longer exercise advantageously the authority with which they were clothed, returned it to the great fountain of all legitimate authority to be again deposited in other hands. Resignations, surrenders of power in instances, such as we have adverted to, have produced no shock, have afforded no pretexts for political panics. On the contrary, they have been hailed by the Democracy of the whole country as proof, incontestible, of admitted sovereignty of the people, of the patriotism of their agents, and of that firmness and durability which is fondly claimed for our Republican institutions by all who would not, if opportunity offered, be Aristocrats in practice, though they are Republicans in profession.

Not only have individual public officers surrendered authority entrusted to them, but whole legislative bodies have done likewise. In few, if any of the State constitutions formed in this country after the revolution, was there authority expressly given to the Legislature to pass a law calling a convention to new model and amend them.—And yet, who does not know that Maryland alone, of the old thirteen States, has never had the benefit of a convention



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to impart new life and restore youthful vigor to its institutions. These conventions were assembled in pursuance of a law passed by the several State legislatures. And whence we ask, did such laws derive this binding force and obligation? Certainly not from the words of the constitution. But undoubtedly their validity, justice and propriety had its origin in the belief of the legislators, that the time had arrived when it became their duty to surrender to the people all power necessary to reorganize this defective 19 government. Why, we ask, should senators, governors, judges, and whole legislatures be commended for a surrender of power, which they believed could no longer be rightfully and beneficially exerted by them, and we be condemned for refusing to afford to others the opportunity to form a most important branch of our legislature, when we felt, and now feel, a deep and abiding conviction, that the will and wishes, the rights and interests of our constituents would be trampled upon and violated by our consent to be present at the unholy sacrifice. We do not anticipate that such an inconsistent judgment will be rendered by that great and just tribunal to which we appeal. Truth is omnipotent and public justice certain.

It does not become us to prescribe the manner in which the vast power now tendered to the people of Maryland shall be exercised. We cannot, however, conclude without expressing an earnest conviction that there is no cause for the least apprehension or alarm, or even anxiety as to the security of all our personal rights and civil privileges. It will be admitted that the resignation of all the members of a state legislature could not endanger public liberty or private property. Such an event would only make necessary a Convention to reconstruct that department of the government. With what propriety then, can the alarmists (the panic makers,) contend, that "we are in the midst of a revolution, bloodless as yet?" True, a State Senate has not been organized, but the process is very simple by which that defect in our institutions can be remedied. If we could be permitted to do so, we would most humbly and respectfully recommend to our fellow citizens throughout the State, to proceed forthwith, to elect on the first Monday of November next, six delegates from each city and county, to meet in Convention at Annapolis, on the third Monday of the same month, clothed with full powers to extend the authority of all civil and



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military officers now in commission, until a Convention, hereafter to be chosen, can be convened to amend the old or form an entire new government for the people of Maryland.

By such a prompt movement on the part of the people, all apprehension would be quieted and the panic avoided which may possibly be attempted by individuals whose deep personal interest in the present form of government, renders them incapable of appreciating the great and inestimable advantages to be derived from a reorganization of our system, and the substitution of wholesome Democratic features, for its present odious aristocratic ones. For ourselves, we cannot indulge the hope of escape from censure, by some of those whose possession of power may be disturbed or expectation of office disappointed, by the course which a fervent and conscientious devotion to the public interest, constrained us to select. It is natural that it should be so. Man's perception and acknowledgment of rights which do not accord with the tenure by which he enjoys power, are generally slow and reluctant.

This must always constitute an impediment even to the most necessary reform of existing institutions. It was the greatest obstacle which the present constitution of the United States had to encounter, "the interests of a certain class of men to resist all changes which might hazard a diminution of the power, emolument and consequences of the offices thus held under existing establishments." We trust however, that there are but few, very few indeed, who are not willing to surrender upon the holy altar of disinterested patriotism, power and office, with all their allurements when the 20 public will demands it: and that instead of becoming alarmists, they will unite and co-operate with their fellow-citizens in providing such amendments as shall plant our institutions upon the deepest and most enduring foundation, the affections of the people. This can only be done by making them just and equitable—diffusing equally their burdens and benefits.

Let but our fellow-citizens put aboard our ship of State, pilots of tried skill and integrity, men who know how To steer the bounding bark with steady toil, When the waves thicken

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and the billows boil, and the gallant vessel will soon be permanently and securely moored in a harbor of peaceful and abounding prosperity.

We are yours, fellow-citizens,

CHARLES MAGILL,

ROBERT WASON,

CASPAR QUYNN,

JOHN FISHER,

GEORGE ELLICOTT,

EPHRAIM BELL,

JOSHUA VANSANT,

JOHN EVANS,

GEORGE A. THOMAS,

SAMUEL SUTTON,

WASHINGTON DUVALL,

ROBERT T. KEENE,

M. FOUNTAIN,

ENOCH GEORGE,

JOHN B. THOMAS,

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SPRIGG HARWOOD,

WESLEY LINTHICUM,

THOMAS HOPE,

JOHN S. SELLMAN.

Annapolis, *September 19 th*, 1836.

*Gentlemen:* —It is a duty which we owe to our constituents, that before we take our seats in the College of Electors of the Senate of this State, we should have a distinct and positive understanding, as to the course to be pursued by that body.

You are apprised that a crisis has occurred, when neither of the political parties of the State have elected Electors having the constitutional power to form a Senate. Of the nineteen counties and two cities into which the State is divided, we represent the two cities and eight of the counties, having a white population of 205,922, and federal numbers 267,669. You represent ten of the counties, having a white population of 85,179, and federal numbers 138,020; and the vote of the remaining counties is divided. Of the Electoral body we are nineteen in number while you are twenty-one. But although you are a majority (the smallest possible) of the college, it is to be recollected that we represent nearly three-fourths of the free white population, and two-thirds of the federal numbers of the State, and very much the 21 largest portion of its territorial extent and wealth; we shall therefore expect that you will concede to us, the nomination of eight members of the Senate to be chosen, and that you will vote for the persons whom we may nominate to the college, although they may be favorable to a convention to revise and amend the Constitution of the State, if in all other respects in your opinion well qualified. The counties and cities we represent ought to have, upon any political principle which governs the appointment of members of a Legislature, a majority of the Senate to be formed greater than that which is sought to be obtained. To force upon them, then, being the majority of

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the people, an entire Senate, against their will, would be unjust and anti-republican; and we, their agents, cannot participate in such a violation of their rights, as freemen; neither can we become passive members of the Electoral College, and thereby enable you to select for the people we have the honor to represent, Senators residing in the districts from which we come. The people of those counties and cities have elected us to make choice of their Senators, presuming that we who reside among them, are better qualified than strangers can be, to choose those who know their rights and interests, and will protect them.

If our constituents are to be subjected to a Senate opposed to their will, it would be an aggravation of the evils they would be compelled to endure, to have some of the members of that body taken from the midst of communities whose confidence they do not enjoy, and whose wants and wishes they are not willing cheerfully to gratify.—From these considerations, we feel compelled to take the position above assumed. Moreover, our constituents, who desire to see radical changes made in their present constitution, have a right to expect that we will not fail to exert all the powers reposed in us under our form of Government to make the institutions of the State more republican and conformable to the will of those for whose happiness and safety they were designed.

The friends of reform in Maryland have sought, repeatedly to obtain from the Legislature, by an exertion of the powers confided to that body by the fifty-ninth section of the Constitution such amendments of that instrument as are indispensable, and it is with regret we say that all of their applications were in vain, and indeed it may be said, that they were not even treated with that respectful deference to which the remonstrances of a large majority of the people are justly entitled. It would be needless for us here to spread-out in detail, the several applications for reform which have been made.

You know the history of many petitions which have been presented to the Legislature; and we have felt the manner of their rejection. Each instance is fresh in the recollection of our constituents, and they believe as we do, that no redress of grievances can be

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had through the ordinary form which the framers of our Constitution provided. Under this solemn consideration, we have determined not to be willingly instrumental in perpetuating institutions that work such bitter injustice, and if, gentlemen, you will give us your pledge of honor to accede to our proposal, and give to the majority of the people a majority of one branch of the Legislature to protect from future violations their rights and privileges, it will afford us great pleasure to meet you in the Electoral College to-day. Should, however, your views as to our relative rights and duties not accord with ours, we shall most deeply regret it and be compelled by a high and holy sense of duty to our constituents and to the whole State, not to meet you in College, and thereby, we shall avoid the odious responsibility of assisting to form a Senate obnoxious to the people we represent.

We are aware that your rejection of this proposition, and the state of things which may grow out of it, will give some alarm to the timorous. But upon the most calm and deliberate examination of the whole subject in all its bearings, we can discover none of those causes for deep and lasting excitement which endanger the peace and order of the community, if the legislative functions of the government should cease for a season, that will be found to arise, should we assist to organize a Senate, which would perpetuate, possibly, all existing evils, and secure for five years, at least, that oppressive dominion, of a small minority over the majority, which has been so long reluctantly endured by the people of Maryland. We perceive no cause for apprehension and alarm in the temporary suspension of the powers of the Senate. Thereby, the whole Constitution would not be abrogated. The Governor would remain in office long enough to afford time to form a new Constitution, and perform the functions of the Executive Department.

The Judiciary and the officers connected with the Courts would experience no interruption of their powers, and all the offices who derive their appointments annually from the Executive are empowered under the forty-ninth article of the Constitution, to hold their offices until they are superceded by the appointment of others.

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The laws, therefore, would be administered—civil rights and private property protected, and the peace of the community preserved, by all the means now employed for that purpose. In the mean time the powers which have been delegated to us, will revert to the People, in whose integrity, virtue, patriotism and intelligence, we have the most entire confidence; and we doubt not but that they, guided by the spirit that animated our fathers in seventy-six, will provide for every exigency that may arise. Before any inconvenience can be experienced, the sovereign power of the people of Maryland will be employed, by means of a convention to reform our Constitution, so as not to justify a recurrence of a similar contingency by basing all its departments on sound Republican principles, so as to secure equality of political rights, and a just responsibility in all public officers, to popular will.

To prevent misapprehensions, we have submitted our proposition in writing, and its manifest justice gives us every reason to expect that you will yield to it a ready assent. We hope you do not desire to leave the State without a Senate, unless you are permitted to select all its members,—as well for counties you represent, as the counties and cities represented by us.—Nor can we believe that you will ask us to join you in the Electoral College, and be passive spectators of your proceedings, merely to witness the degrading of our constituents by your choice of a Senate for 205,922 people, whose representatives you are not. We ask only what we think is right, and are determined to submit to nothing that is wrong. To our propositions we respectfully ask an answer at your earliest convenience.

And whatever may be your response, we cannot doubt your concurrence with us in the perfect conviction of the competency of the people to accept a surrender of the Legislative functions of the Government, and that deeply 23 imbued with the spirit of patriotism and justice, and guided by the lights of experience they will, through the instrumentality of a Convention, so adjust and apportion them as to secure the inestimable blessings of a republican government.

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We are, very respectfully, Gentlemen, your's, &c.

CHARLES MAGILL,

ROBERT WASON,

CASPAR QUINN,

JOHN FISHER,

JOSHUA VANSANT,

THOMAS HOPE,

SAMUEL SUTTON,

JOHN EVANS,

GEORGE A. THOMAS,

GEORGE ELLICOTT,

EPHRAIM BELL,

ROBERT T. KEENE,

ENOCH GEORGE,

M. FOUNTAIN,

JOHN B. THOMAS,

SPRIGG HARWOOD,

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JOHN S. SELLMAN,

WESLEY LINTHICUM,

WASHINGTON DUVALL.

*To Messrs. Heard, Leigh, Vickers, Gales, Gaither, Kent, Dalrymple, Williams, Handy, Spence, Franklin, Dickinson, Dudley, Hicks, Lake, Pratt, Duvall, Merricks, Brawner, Bruce and Beall.*

Annapolis, *September 19 th*, 1836, *P.M.*

*Gentlemen:* —We are anxious to elect a Senate, and for the promotion of this object, we sent propositions to you, for your consideration, and selected Col. Heard as the organ of communication, knowing him to be an old member of the Legislature, and an Elector returned for the County of St. Mary's, which is always first called from priority. Col. Heard returned this paper stating that he had no authority to act; and therefore declined presenting it to his political associates. We have therefore to request of you, whether you will receive any communication from us—and to indicate the manner in which you would prefer to receive communications from us.

We are, gentlemen,

Very respectfully, your's, &c.

CHARLES MAGILL,

ROBERT WASON,

CASPAR QUYNN,

JOHN FISHER,



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GEORGE ELLICOTT,

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EPHRAIM BELL,

JOSHUA VANSANT,

SPRIGG HARWOOD,

THOMAS HOPE,

SAMUEL SUTTON,

ROBERT T. KEENE,

M. FOUNTAIN,

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*To Messrs. Heard, Leigh, Vickers, Gale, Gaither, Kent, Dalrymple, Williams, Handy, Spence, Franklin, Dickinson, Dudley, Hicks, Lake, Pratt, Duvall, Merrick, Brawner, Bruce and Beall.*

Annapolis, *September 21*, 1836.

At one o'clock, P. M. the Democratic Republican members of the Electoral College again assembled, when Charles Macgill, of Washington county, resumed the Chair, and George A. Thomas, of Cecil, acted as Secretary, whereupon the following proceedings were had.

Contrary to our reasonable hopes and expectations, the other Electors having refused even to receive or reply to the propositions which we have thought proper to submit, formally and informally, in letters addressed to all of them, and in conversations held by individual members of this meeting, with individual members of the other branch of the Electoral College, and the other Electors having, moreover, made to us, or to any of us, no proposition whatever, calculated to restore to the people of Maryland, through the medium of the Legislature, the right to revise and amend the constitution; and this meeting being fully convinced that we have no alternative left but to adjourn, or to submit to the selection of a Senate opposed to those reforms, both of the constitution and of the administration of the government of the State, which our constituents desire to see accomplished—  
Therefore,

*Resolved*, That this meeting do now adjourn.

CHARLES MAGILL, *President*.

George A. Thomas, *Secretary*.

In the few observations which we may make on this branch of our subject we will blend the conduct of the Nineteen with the character of the apology contained in the foregoing Address. The principle with which we will commence is, that the election of a Senate,

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whether made directly by the people, as in other States, or by the intervention of Electors, as in the State of Maryland, is nevertheless the action of the people, and is a Right and Duty, which they alone can neglect or postpone. The Electors being their agents or trustees for the discharge of a specific duty in the mode prescribed by the fundamental law, can have no discretion in the matter, but 25 must either promptly discharge their function, or be faithless to their trust. The Electors are not a deliberative body to legislate for the people, either by ordinary municipal enactments, or by alterations of the organic or Constitutional compact; much less have they right or power, either, by neglect of duty, to subvert the existing government, or by assumption of authority to recommend the mode and character of a substitute. Now, the constituency of the Van Buren Electors, who are that portion of the people of Maryland comprising the Van Buren party, having through their representatives in the Baltimore Convention in June last, solemnly resolved to apply to the next legislature for Reform, and having attended the polls, and cast their ballots for Electors of Senate, had in the most decisive and only constitutional mode, expressed their desire to perpetuate the government by the appointment of a Senate, one of the branches of that legislature upon which they relied for a reformation of abuses in the present Constitution. If then the Nineteen Van Buren Electors had been disposed faithfully to represent the will of their constituents, or if they had been animated by a sincere desire for Reform, they would have entered the College, qualified as Electors, and in their Electoral capacity, urged the appointment of Fifteen Reform Senators; and would not have resolved themselves into a Revolutionary club at a public tavern, and rudely demanded of their qualified associates in the Senate Chamber, Eight Van Buren Senators. Their constituents desired the election of a legislature, and through that legislature hoped to obtain a Convention of the people to reform the Constitution. But they desperately assumed the responsibility of nullifying that very branch of the government, which they were elected to create; and then turn with unblushing effrontery, to ask, in the words of their Address, “of all enlightened and unprejudiced Republicans to admit that their conduct was *prudent and patriotic!*”

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In their Address the Nineteen Electors admit, that the “provision of the Constitution which requires the attendance of twenty-four Electors (three-fifths,) in the College to elect a Senate was intended as a protection of the minority.” Upon reading this admission, the first consideration that occurs, is, that it comes with a bad grace from the Nineteen, who claim throughout that paper that they represent a large majority of the people.

We have abundant assurance through those who assisted in framing the Constitution of Maryland, that in requiring the presence of twenty-four members to elect a Senate, the Convention did not fix that number because it constituted three-fifths of the whole body of Electors; but it was intended, in the language of the Address, to “protect the minority” on the Eastern Shore—who in consequence of stress of weather were frequently unable to cross the Bay. This was an efficient safeguard, because at the time of the adoption of the Constitution, the presence of some of the Electors from the Eastern Shore was necessary to make up the number. But waiving this point for the sake of argument, let us revert to the fundamental and salutary principle in all republican governments, the “protection of minorities.” It was intended as a shield to protect—not as a spear to offend. Deeply convinced of the natural tendency of majorities to oppress, our sagacious forefathers seemed to forget the wiles and stratagems of unprincipled minorities. Whenever constitutional minorities become so heedless and corrupt as to use their safeguards, as a means of checking the customary and legitimate operation of government, the capability of man for self-government ceases to be a problem. It is the doctrine of Mr. Dallas and the destructives in relation to the Bank in Pennsylvania; and it is the argument of the Globe, the official organ at Washington, in relation to the refusal of Michigan to enter the confederacy. Should the three votes of that quasi-State become requisite for the election of Mr. Van Buren, this abhorrent doctrine will be sprung upon us in all its hideous deformity. It is contended, that although the Bank has been chartered by the constituted authorities in the one State, and the Union rejected in the other; yet that portion of the people of those States, who under the constitution of their governments are in a minority in its councils, or who have been thrown into a minority by a failure to exercise their elective

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franchise, are not bound by the enactments of their respective legislatures. Carry out this principle in its application to the late elections in Pennsylvania, Virginia, and North Carolina, and the Whigs, who slumbered on the day of election, would be entitled to the Electoral vote for President in those States.

But in the late proceedings of the Nineteen in Maryland, they have not even the credit of devising a new, though destructive scheme. It has before happened in this State, when party feeling ran higher than at present, that there were twenty-one Senatorial electors of the one party, and nineteen of the other. The requisition of twenty-four electors in the college was as well known then as now. The Electors of that period (1812) were not less informed, but more virtuous and faithful. At any one session of the legislature since the organization of the government, when the more numerous branch could command a majority on joint ballot, the Senate, if opposed in political caste, might have refused to enter into joint ballot to elect the Executive, unless the majority would concede to them the appointment; and thus the government would have fallen. This state of case is stronger than its parallel. For in the legislature they are all duly qualified upon oath, and the demands of the majority may touch the conscience of the weaker party. But in the case of the Nineteen Electors, they were an UNQUALIFIED REVOLUTIONARY TAVERN CLUB, and could not be recognised by their sworn associates until they entered the college. No Judge upon the Bench, we presume, would so far forget his dignity as to confer with his designated associate, until he had been duly invested with the robe and ermine of justice.

Let us carry this principle into the federal government. If the election of President should devolve upon the House of Representatives, the Constitution requires, that, before they proceed to elect, "a member or members from two-thirds of the States" should be present. The members from nine states, by absenting themselves, could defeat an election by the House. Let us suppose that it was rendered certain that Mr. Van Buren would obtain the vote of the House, and that nine of the smaller Western States should prefer a Western to a Northern President. By absenting themselves until the fourth of March, the Vice-President, ex-officio becomes the President. And thus by the abuse of

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the privilege of a slender minority, Richard M. Johnson, that living stain upon the public morals and private virtue of the country, might rule the destinies of this free people. But to run a stricter parallel with the course of the Nineteen Maryland Electors. Suppose that these members from nine States, should proceed to Washington, 27 and knowing that the oath of qualification would be binding upon their consciences, should refuse to take their seats, and assembling at Gadsby's National Hotel, should address a note to the Speaker of the House, declining to enter until the majority would pledge themselves to elect such President as they should designate. They would merit the execrations of unborn generations. Yet their crime is less than that of the Maryland Electors; for the Constitution of the United States provides for the contingency by the advancement of the Vice President, President of the Senate, or Speaker of the House to the Presidency. But the Maryland electors, in the plenitude of their ignorance, as well as of their wickedness, confidently believed that the government was destroyed, and arrogating to themselves the will of the sovereign people, indicated the mode of erecting, first a provisional, and subsequently a new frame of government. We have dwelt at some length upon the abuse of the privileges of minorities, because it is destructive of all well-ordered government. It is a principle replete with confusion, discord, and iniquity; and fitter to prevail in the infernal councils than among an intelligent people.

The address of the Nineteen admits the truth of the position we have assumed in our introductory remarks, that the "mode of redress under the Bill of Rights is violent and revolutionary in its character, and only justifiable when the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress ineffectual." It is admitted that such a crisis does not exist at this time. But when it asserts, that the "mode of Reform recommended by the nineteen is neither *unconstitutional* nor *violent*," we take direct issue on the fact. If there be any provision in the constitution of Maryland which permits or authorises nineteen unqualified electors to *subvert the government by a breach of trust*, and then to recommend or ordain a Convention to frame a new government *by a tavern proclamation*, we would blush for our country. One would

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suppose that the lucid glimmerings of reason which flit through this Address, had been borrowed from the generous inspiration of the bottle. The orgies of the arch-conspirator, Cataline and Cethegus, if they were conducted with less decency and sobriety, had the same object in view, the subversion of the institutions of their country. The atrocity of their design was measurably redeemed by the valor and energy with which it was prosecuted:—while the more timorous of the nineteen were driven into the college by the rod of power, and the Convention of Sixes recommended in the Address fled before Contee's Dragoons, like the Rump in England before the ominous frown of Cromwell. In reply to the assertion that their plan was not *violent*, it is well known that every orderly citizen in Maryland had devoted “life, limb, and terrene honour” to vindicate the majesty of the laws.

Thus the Nineteen Van Buren Electors attempt to subvert our government, and frame another, and call it peaceful reform; not unlike certain military ruffians of olden times, who desolated empires, made a solitude and called it peace.

The address maintains that it is a practice sanctioned and sanctified by Senators, Governors, and Legislators, and Judges to surrender public trusts to those from whom they were derived whenever they cannot be beneficially exercised.” But can the authors of that address point out in the history of this government any instances save those of Hull and Arnold, in 28 which a wilful breach of trust was necessarily connected with serious injury, disgrace or ruin to the beneficiary?

The Address complains that while other states have authorised conventions of the people to reform the government, although no such specific power was vested in them by their Constitutions, the legislature of Maryland alone denies that privilege to the people. The plain reason is, that the people of Maryland, when they entered into their constitutional compact, retained by their Bill of Rights the right of revolution in specified cases only; and engrafted on their frame of government or Constitution *one only efficient mode of reform by their legislature*. A people who were so wise and so cautious as to deny to their representatives the power of levying a poll tax or passing an ex post facto law, would

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have been singularly inconsistent and improvident, if they had authorised them, upon any supposed emergency, to have resolved the government into its elementary principles. But the Nineteen adopted in their wisdom a summary course. In order to obviate constitutional reform, supposing according to their own doctrine, the legislature of Maryland to be empowered to authorise a Convention by a single act, they failed to elect a Senate; and thereby, as they supposed, destroyed the only functionary which could grant the object of their fondest wishes. They crushed the only hope of Reform to ensure “peaceful revolution.”

We will conclude our remarks upon this learned, “prudent and patriotic” Address by a few strictures upon a principle of law contained in the first letter of the Nineteen Recusant Electors to their qualified associates in the College. They use this language; “We perceive no cause for alarm in “the temporary suspension of the powers of the Senate. Hereby the whole “Constitution would not be abrogated. The Governor would remain in “office long enough to afford time to form a new Constitution, and perform “the functions of the Executive department. The Judiciary and the officers “connected with the courts would experience no interruption of their “powers, and *all the officers who derive their appointments annually from “the Executive are empowered under the forty-ninth article of the Constitution “to hold their offices until they are superseded by the appointment “of others.”* We have before said that this Address was supposed to have been written by a lawyer; a reference to a decision in the Court of Appeals of this State will conclusively prove that the writer of this “prudent and patriotic address,” together with the Nineteen Recusant Electors were profoundly ignorant of the first principles of fundamental law, which they rashly undertook to re-organize, instead of discharging the single duty for which they were elected, the formation of a Senate. The decision is familiar to every lawyer of credit and repute in Maryland, and explains the same “forty-ninth section of the Constitution,” to which the Address refers, and upon their construction of which they rely exclusively for a justification of their proceedings. It will be seen by this decision that officers of annual appointments do not, in the language of the address, “hold their offices



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until they are superseded by the appointment of others;" but that in the event of no new appointment at the expiration of the year, the former incumbents are *functi officio*.

The case is reported in 2. Gill and Johnson, *The State vs. Wayman*, page 278. Earle, Judge, delivered the opinion of the Court. "All appointments "to office under the Constitution, by the Executive of the State, are 29 "made by the authority of the 40th, 48th, and 49th sections; and it not "being pretended that the Register in Chancery is commissioned during good "behaviour, he is necessarily an officer of *annual appointment under the "49 th section of the Constitution*. The tenure of his office being limited, "he cannot continue to act until after his term expires, except in the single "instance of the appointment of a successor, in which case he may act until "such successor, commissioned in his stead is qualified. If re-appointed, "he may continue to act without any new commission or qualification, but "unless re-appointed, he is not legally an incumbent of the office, and cannot "lawfully perform any of its duties. This is the plain interpretation of "the Constitution. The constitutional grant limits the duration of the office "to a certain term, and no irregularities in the proceedings of the appointing "power can extend it beyond the period. The idea so much insisted "on? of continuing office without a re-appointment until a new appointment "is made, has grown out of deviations from the constitutional law, and "therefore cannot receive the sanction of this Court." Thus upon solemn agreement, in the highest judicial tribunal in the state no farther back than the year 1830, the doctrine on which the nineteen rely for a justification of their conduct, and for evidence, that their course did not endanger the peace and happiness of the people of Maryland, has been distinctly repudiated. Did the author of the Address intend wilfully to misrepresent and deceive, or was he stupidly ignorant of this clear and recent exposition of the Forty-ninth article of the Constitution of Maryland?

Independent of the gross errors contained in the Address it furnishes conclusive proof of certain mistaken impressions and opinions of the Nineteen which give to their faithless proceedings the character of deliberate guilt. They were evidently under the impression, that by their refusal to concur in the Election of a Senate the established government

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would be subverted. Sufficient evidence of this fact is contained in their recommendation of a mode for the establishment of a provisional Government, until a Convention of the people could be assembled to frame a permanent establishment. Strange delusion! Maudlin stupidity! Nineteen unqualified and recreant Electors—Nineteen faithless functionaries, seriously undertake to shake the pillars of a government, which was supported by the affections of more than four hundred thousand people, and which had dispensed with wonderful success all the blessings of freedom to two succeeding generations of the children of men. What must have been the consternation of these faithless and desperate men, when they perceived that government, which they vainly supposed had been disarmed, arising, after two months of patient forbearance with her rebellious and unnatural children, in all the majesty of her strength, to chasten and subdue? yet the evil is not without its moral. It has gone far to teach the disorganizers and levellers of this country that Jacobinism is a purple plant, which cannot flourish in a free and peaceful soil. What have been its fruits in other climes? It has been buried in France (we hope forever!) beneath the foundations of a throne, upheld by the veneration of fourteen centuries, and crushed beneath the iron heel of the successor of Seventy Kings. It is a spirit, which not only shakes down the edifice above—but crushes the foundations beneath. Its price is an ocean of blood, and its fruits the destruction of public and private morals. Like the dark wild grass of the cemetery, its luxuriance denotes the love of freedom.

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In mercy to misguided men we will forbear to discuss between the proceedings of the Nineteen Electors, and the designs of the federal government upon the elective franchise of Maryland. It has been a matter of no little annoyance to the chief Executive officers of the Union, that while other States have yielded to the seductive influence of a corrupting and profligate administration, he could trace from the windows of his palace, the outline of a state which no patronage could corrupt—no power could subdue. No offering could have been more acceptable at the footstool of the Executive than the integrity of the State

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of Maryland. That integrity would have been a victim, meet for the sacrifice, for it was without stain, and without blemish.

The extraordinary and levelling character of the proceedings and Address of the Nineteen Recusant Electors filled the minds of reflecting men with consternation and dismay. Trade and Commerce were suspended, public credit was shaken, the whole system of Internal Improvements in which the State was so deeply interested, was arrested; and the whole land grew pale at the astounding intelligence. The frightful tendency and consequences of the movement, were apparent to all others. The Baltimore Republican, with a tone of complacency, responded to by the shouts and hosannahs of the Party, indicated as the only consequence, the reduction of the State to a territory, to be regulated by a federal Satrap of Executive appointment.

A deep felt and wide spread alarm seemed for a while to suspend the action of the people. But, after a brief interval, the friends of peace, government, and good order, rallied around the Constitution, and solemnly pledged to each other, life, limb, and honor to maintain the supremacy of the laws, and to vindicate the dignity of the State. The voice of our commercial emporium was responded to in the fertile valleys and by the hardy mountaineers of the West. The task of the writer is nearly complete. The proceedings which follow contain in themselves the whole history of the progress and downfall of the projected Revolution. The first in order of time is the subjoined Address of the Twenty-one faithful electors to the people of Maryland.

### TO THE PEOPLE OF MARYLAND.

The present momentous crisis evidently demands of the undersigned, twenty-one of the Electors chosen by you on the first Monday of the current month, to elect under the provisions of the Constitution, a Senate for the state of Maryland, that they should submit to your calm consideration the causes which have thus far prevented them from

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discharging their solemn trust, and the principles and views by which they have been governed in their endeavors to accomplish it.

Sincerely desirous of performing with scrupulous fidelity the duty devolved upon them, the undersigned in conformity with the practice of every prior College of Electors since the 14th day of August, 1776, determined to take, for their sole and exclusive guide the Constitution under which alone the office was created, its duties prescribed and themselves elected. Recurring to that instrument they have found the 15th section to be in these words—"That the said Electors of Senate shall meet at the City of Annapolis or 31 "such other place as shall be appointed for convening the Legislature, on the "3d Monday of September 1781, and on the same day in every fifth year forever "thereafter; and they, or any twenty-four of them, so met, shall proceed to "elect, and by ballot either out of their own body or the people at large, "fifteen Senators, (nine of whom to be residents of the Western, and six to "be residents of the Eastern Shore) men of the most wisdom, experience "and virtues, above twenty-five years of age, resident of the State above three "whole years next preceding the election."

They also found that by an amendment of the Constitution proposed by the act of 1822, chapter 204, and confirmed by the act of 1823, chapter 116, each elector of the Senate, before he could act as such, was bound to take the following oath of office:—"I do swear (or affirm as the case may be) "that I will be faithful and bear true allegiance to the State of Maryland, and " *that I will support the Constitution and Laws thereof*, and that I will to the "best of my skill and judgment, diligently and faithfully, without partiality or "prejudice, execute the office of elector *according to the Constitution and "laws of this state.* " And by the 18th section of the original instrument which is so far unrepealed, that such oath was to be taken by the Electors immediately on their meeting. These provisions were too plain to be misunderstood. They are obvious as every organic law especially should be, to the dullest capacity; with our duty so clearly and specifically defined, we assembled in compliance with the universal usage in the Senate Chamber at Annapolis, on Monday last, the third Monday in September, at 12 o'clock, and *immediately* qualified by taking

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*the oaths of office* —as however, only twenty-one (the undersigned) did so assemble and qualify, and the Constitution by its letter seemed to require that twenty-four should be present at the election of a Senate, we waited patiently for the other nineteen members elect to join us. We knew that they were in the city and confidently anticipated that they would take the oath of office in the course of the day and organize the College. A report, however, soon reached us, that they had resolved not to unite with us, in the performance of a common manifest duty, except upon conditions, to be previously prescribed by them.

At first we did not credit the rumor. We did not believe it possible that any mere agents of the people of Maryland, selected for a specific purpose, the performance of a single and well defined duty, would gravely determine to make it depend upon any thing else than a fair construction of the constitution and the laws. We could not suppose that we, who were known to be under the most solemn obligation to execute a trust faithfully and conscientiously could be approached with a proposition of bargain touching the performance of our duty. We never for a moment entertained the idea of trafficking upon such a subject; and a proper self-respect, together with the palpable obligations of duty, precluded all of us from hastening to such a proposition coming from any quarter, however respectful in its language; and still less could we receive it from any other than a member of the college, duly qualified as such. Our duties were most clearly pointed out by the Constitution, and we were not only bound as good citizens to support it, but our very oath of office made it our particular and sacred duty to uphold it in all its integrity. The votes we were to cast for Senators were not to be given as our votes, but as those of the people of Maryland. They had by their constitution laid down the rules, and the only 32 rules, which were to govern us; and we should have been false to them, and false to our oaths, if we had permitted any other to be prescribed to us.

We soon ascertained that there was too much truth in the rumor to which we have referred, and that a misguided partizan feeling was threatening the State with anarchy and its terrible results. Hoping for a returning sense of duty, we continued in session nearly the whole of each day, until Wednesday last, the third day of our session, when, without taking

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the oaths of office, the whole of the nineteen electors left the city of Annapolis, and the State without a Senate. Whether they are to return or not depends upon you. It becomes you to act promptly and decidedly. Be not deceived by the cry of Reform. Many of the undersigned and those by whom they were immediately elected, are in favor of Reform to a certain extent and by constitutional means. Revolution is not Reform. The history of the world reads us awful lessons of the former. Nothing can justify it, except in the language of your bill of rights, "the ends of government are perverted and the public liberty endangered and all other means of redress are inefficient" Can these things be predicated of Maryland, of a constitution adopted by men as pure, free and patriotic as ever lived? Time may have rendered some of its provisions unsuitable to the present condition of the State. Some changes are proper and necessary, but who can say that liberty is manifestly endangered, and that all other means of redress are ineffectual, but revolution.

It is for you, freemen of Maryland, to decide upon the destiny of your State, whether she is to continue the pride and boast of her sons, or be involved in all the horrors of Revolution. Do not deceive yourselves; the moment an effort is made unauthorised by the Constitution, to organize a different government—the moment it is understood that we are resolved into the original elements of society—the moment it is attempted to force upon the people a new Constitution, in any other mode than that provided by the existing instrument, Maryland ceases to exist. Once gone she will be no more, forever.

We now propose briefly to examine the grounds upon which your nineteen agents seek to justify their conduct. They are found in an address for the first time published in the city of Baltimore, after they had abandoned their trust at Annapolis. You are there told that it is not the purpose of these gentlemen, to meet us in the college, and that the power that was delegated to them is surrendered into your hands, and that no Senate, because of their absenting themselves can be constitutionally chosen, or will hereafter exist in Maryland under the present constitution.

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Waving for the present, all questions as to the right of such agents to surrender their office, what are the reasons given for their conduct? we have a right to examine them, because they are designed to cast upon us the responsibility of the present alarming crisis of affairs. We are told that they would have been willing to have gone into the election, to have made a senate whose powers would have been necessarily limited by the constitution as it is, if before doing so the undersigned should have given them a pledge to vote for eight persons as senators to be named by them, and this pledge they assert they had a right to exact, because they received a majority of all the votes taken at the late Electoral election, and desired some radical changes in the constitution and form of Government. Passing 33 by, for the present, the question whether Electors of the Senate could, consistently with their oaths, and the nature of the trust confided to them, given any such pledge, let us see the results to which the principle of the nineteen would lead.

In the first place it involves a subversion of the very constitution we had sworn to support by the virtual substitution of numerical for constitutional majorities. It requires of the majority of the college to surrender their judgments and their oaths to the will of a minority. It destroys the only ground upon which a representative republic can be maintained, and consequently aims a fatal blow at our forms of government, state and general. This might be shown by a variety of illustrations. One will be sufficient. A candidate for the Presidency (Mr. Van Buren for instance) might be elected by a large majority of the electoral votes, a constitutional majority, and his right to office would be clear beyond all doubt. By recurring, however, to the votes given in the different states, at the same election it might be that an overwhelming numerical majority was against him. For example—Suppose the following states to vote for Mr. Van Buren, in the order, and by the majorities given, to wit:

New York, 40 Electors by 500 majority. Pennsylvania, 30 500 Virginia, 23 500 Kentucky, 15 500 Ohio, 21 500 Tennessee, 15 500 Massachusetts, 14 500 158 3500

Here would be 158 electors, a considerable majority of the whole number, elected by only 3500 votes. Now suppose all the other States, New Hampshire, Rhode Island, Connecticut, New Jersey, Delaware, North Carolina, Georgia, Vermont, Louisiana,



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Indiana, Alabama, Mississippi, Illinois, Maine and Missouri, were to elect their 130 electors, all opposed to Mr. Van Buren, by majorities in each of 5000 votes, or in all 85,000 votes. Now what would be thought of the 130 minority electors, if they were to require of the President elected by a constitutional majority, to resign in favor of the candidate of their choice, because they had been elected by a large numerical majority of all the votes given in the Union, and that to such majority, he was decidedly obnoxious.

What would the nineteen, who, as they proclaim to you, now refuse to unite with us upon such a ground alone, say to such a proposition, and above all, what would be said by every good citizen, every lover of his country, if failing in the election of their own candidate, the States electing the minority electors should refuse to perpetuate the Constitution of the United States by refusing to send Senators or Delegates to Congress? Can any man doubt that such a course of conduct would receive, as it would deserve, the indignant reprobation of every freeman in the land? It is unnecessary to give any other example of the dangerous tendency of such a doctrine. Give it full force and the government of the Union and every State composing it, is destroyed. It is at war with the theory and practice of all representative 5 34 republican governments. They cannot exist an instant under its influence, and we solemnly warn you against giving it a momentary sanction.

But, in this particular case what becomes of the principle of the nineteen, as applied to themselves. Which of the undersigned was elected by so small a popular vote as the elector from Annapolis, and yet he is one of those claiming the right to dictate to a majority of the college, because he and his associates, as they say, represent the large part of the *white population* of the State. Now which of the counties has not more than double the population of that city. They maintain that the undersigned do not represent the people of their respective counties, and should not therefore select senators from such counties, except at their nomination. If this doctrine be sound, what reason can be assigned why an elector has the right to vote upon his own *judgment and conscience* for any other senator of the whole fifteen than the one who may be selected from his own



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particular county? Why is it that we are not as much the representatives of the people of Baltimore, as are the electors from Caroline county, or as much entitled to choose a Senator for Frederick county as are the electors from Queen Anne's. We find these four gentlemen, a part of THE NINETEEN, representing the smaller countries and elected by fewer popular votes than many of the undersigned, and yet they are of the number who claim to dictate terms to us, upon the gratuitous assumption that they represent the larger portion of the population of the State. It is impossible not to perceive the gross injustice of such pretensions. What public reason can exist, why greater power should be allowed to them than to the majority of the College? Or what propriety is there in considering them the especial representatives of the more populous part of the State. Is it because there is more magic influence in being an advocate for the election of Mr. Van Buren to the Presidency of the United States? Will a mere party name invest electors chosen under their own state constitution, with powers utterly subversive of the very constitution which, if they qualify, they swear to support? Have his partizans the uncontrolled right to violate clearly defined constitutional duties, to destroy long established forms of government, if it is believed his election will be thereby promoted? The honest friends of that candidate, and doubtless he has many such, may hereafter deeply deplore the excess which, in times of high political excitement, some partizans seek to involve them. The question now in Maryland is infinitely above all mere questions of Presidential preference, It is a question of constitutional freedom. If the State government is to fall by the means now taken to overthrow it, the calamity will be felt long after the names of Harrison, White and Van Buren shall have been forgotten. We never can acquiesce in the demands of the nineteen unqualified electors. Our rights and powers are known to and derived from the constitution alone. The whole body of electors represent the people of the whole State, elected from separate districts, on a particular day, and in a prescribed form.

They are not elected to subserve the views of any political division of the people of any county or city from which they may respectively come, but bound by the most solemn obligations, to their country and their God, to be faithful, and bear true allegiance to the

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State of Maryland, by supporting her Constitution—as it is, they are not invested, nor was it designed, that 35 they should be invested with any power to render negative a single one of its provisions.

If they have a right to disregard any one article, they may with equal propriety, refuse to acknowledge the whole. If any nineteen of them refuse to elect a Senate because the majority will not violate their own plain and palpable duties, by permitting them to select a majority of the Senate, they may, with like reason, hereafter, upon a similar plea of numerical majority, deny to the Eastern Shore her constitutional right to six members of the body. In a word, there is not a single wholesome provision by which the territorial rights of the two great sections of the State are secured by the present constitution, which may not, and in all probability will not, be subverted by this heresy of the absolute and controlling power of a numerical majority, and the mere agents of such a majority may disregard the plain written words of the present constitution, to accomplish their immediate purpose, ruin, inevitable ruin, must be the consequence.

But if the nineteen had no other object in view, and as yet they have avowed none other, than the election of a Senate favorable to a reform of the Constitution, why did they not come into the College, take the oaths of office and vote for such a Senate? Who can say that a Senate of that description would not have been elected? It was perfectly well known that there were amongst the undersigned many favorable to reform, and if nothing more was desired by the nineteen than the selection of a reform Senate, their plain course was to have met the college and united their votes with those of the undersigned, who are constitutional reformers. Many of us desire to see material changes in the constitution, and are not now for the first time expressing that opinion, as will appear by our recorded votes as members of your House of Delegates. Indeed there is not one of us who is not willing that such amendments of the constitution should be made as are just and necessary; but we desire to see them accomplished in a peaceful and constitutional mode, without gross usurpation of power on one part, or a violent disruption of the bonds, which for upwards of sixty years, have so happily united the people of Maryland in peace and security. All

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that we can do to ensure your safety we are solicitous and determined to perform. It is our business to elect fifteen men of the most wisdom and experience and virtue in the State, to constitute one branch of your Legislature. It is not our province to blot one letter from the constitution.—Our power is in no sense a Legislative one. It is the Senate together with the co-ordinate branch of the Legislature, the House of Delegates, acting under a proper sense of duty, guided by an enlightened public opinion, who can, alone, constitutionally legislate for your wishes or your wants. All that we are selected to accomplish is the choice of as capable and as virtuous a Senate as we can make—that done our functions are at an end, and in our opinion not until then. We assert no right to resign the trust you have imposed upon us—it is a duty we have assumed for the public good under the sanction of the constitution, which no elector can in our opinion, cast off at pleasure, more especially when he has sought the office at the hands of the people. Should we decline its exercise, we have no doubt that the laws might be appealed to against us. It is impossible that the mere agents of the people—trustees appointed to do an act necessary to the continuance of their government, can with impunity decline the trust and thereby possibly involve the state in all the horrors of anarchy.

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PEOPLE OF MARYLAND, the crisis is an awful one—the times are big with the fate of freedom—if the revolutionary spirit now stalking abroad amongst us, is not promptly subdued by the majesty of your power, upon you will rest the fearful responsibility of being the first in the country of Washington to give to Liberty a mortal wound. We shall to the last endeavor faithfully to perform our duty to you and to ourselves—we have remained patiently at the seat of government, keeping the college open from day to day to the present time, and here we are resolved to continue until all hope is lost of the return of the absent electors. We are determined that if confusion and anarchy and ruin are to come upon us, if all the bright hopes of the people of Maryland are to be forever blasted, and our once fair and happy land is to become a scene of desolation and terror, we will have the

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consolation of reflecting, in the midst of our afflictions, that we have faithfully performed our duty.

GEORGE S. LEIGH,

BENEDICT I. HEARD,

GEORGE VICKERS,

JAMES P. GALE,

JAMES KENT,

JAMES A. D. DALRYMPLE,

HENRY BRAWNER,

WM. D. MERRICK,

SOLOMON DIKINSON,

GEORGE W. DUDLEY,

WILLIAM WILLIAMS, Jr.,

SAMUEL J. K. HANDY,

WILLIAM W. LAKE,

THOMAS H. HICKS,

GEORGE W. DUVALL,

THOMAS G. PRATT,

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THOMAS A SPENCE,

HENRY FRANKLIN,

EPHRAIM GAITHER,

RICHARD BEALL,

ANDREW BRUCE.

Annapolis, *Sept.* 24, 1836.

This Address speaks for itself, and requires no comment. Next in order follow the proceedings in Baltimore.

### GREAT PUBLIC MEETING.

The following call for a public meeting at Monument Square, on Monday Afternoon, at half past three o'clock, was circulated on the previous Friday and Saturday for signatures; and such was the conviction generally entertained, that a crisis had arrived in the affairs of Maryland which demanded the immediate attention of the people, and the explicit expression of public sentiment, that the paper was signed with the greatest avidity by nearly all to whom it was presented.

Fellow-Citizens: —Our State Government has reached a fearful crisis. It is openly threatened with dissolution. Nineteen agents of the people elected and at their own instance for the special purpose of selecting one of 37 the branches of your legislature, refuse to discharge their trust. If they persist in their determination, the Legislative department of your government, as they maintain, must end, and if their views be correct, with it must soon fall the Executive and Judicial. The consequences are appalling. If total anarchy shall not reign over us, *our national character will be destroyed—our credit prostrated—our national improvements arrested,—the growing and cheering prospects*

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*of our city blasted, and all confidence in our institutions lost.* —There is yet time to arrest the evil,—you are believed to approve of this measure. We are sure it is a libel on your intelligence and patriotism, but it is important that you promptly and decidedly disabuse the public mind. We therefore earnestly solicit every friend of social order, of the *City's welfare*, and the *State's existence*, to suspend all other business, and assemble in Town Meeting in Monument Square, THIS AFTERNOON, at half past three o'clock, to consider the crisis, and adopt proper measures to meet it.

[ *Signed by about 1,500 of the most respectable citizens of Baltimore.* ]

In compliance with the above notice, one of the largest and most respectable meetings ever convened in the City of Baltimore, was held at Monument Square; on motion of Columbus O'Donnell, Esq. the meeting was organized by the appointment of Gen. WM. M'DONALD, as President.

And on motion of Daniel Cobb, Esq. the following gentlemen were appointed Vice-Presidents: John M'Kim, Jr. Solomon Etting, John Dushane, Luke Tiernan, Rob't D. Millholland, Wm. H. Conkling, Jacob Wolfe, Solomon Betts, Samuel Hoffman, John Gibson, Joshua Wall, and Jos. W. Patterson, Esqs.

On motion of S. Owings Hoffman, Esq., the following gentlemen were appointed Secretaries; Thos. W. Hall, Wm. Crawford, Jr., Osmond C. Tiffany, and Wm. G. Harrison, Esqs.

The object of the meeting having been stated by the President, JOHN V. L. McMAHON, Esq. offered the following ADDRESS and Resolutions, which he sustained in a strain of unsurpassed eloquence and force.

He was followed by DAVID STEWART, Esq. who moved their adoption in a speech fraught with noble and republican sentiments.

They were thereupon unanimously adopted.

We, the citizens of Baltimore, opposed to Revolution and Anarchy, and the supporters of Law, Order and Constitutional Reform, have in Town-Meeting assembled, to consider the recent attempts of some of our public Agents to break up all the foundations of our Government, to cut society loose from all its moorings, and to put us, our wives, our children, our institutions and all we hold dear afloat, upon the troubled sea of Revolution. We are here assembled to lift up our voices in denunciation of these attempts, and to call upon our fellow-citizens here, and throughout the State, to come up with us to the rescue, to rally around the Banner of Peace and Order, and by the instant and energetic adoption of the constitutional and peaceful measures which yet remain to us to snatch our hitherto happy and favored State from the horrors of Anarchy.

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The crisis to which we have arrived, forces upon us the most painful and revolting contrasts. Placed by the hand of a bountiful Providence in a central and commanding position on the Atlantic Border of our country—the untiring energy and enterprise of the inhabitants of our beloved City in past times, have conducted it in the lapse of little more than half a century, from the humble station of a fishing village, to the third City of the Union. They accomplished this under many difficulties and in the face of much opposition—With rival cities on either side, who had started far ahead of her in the contest, for the prize of the great and hourly growing commerce of the great West, Baltimore had not lagged behind in the race, but with giant strides continued to approach her competitors. Each day of the contest only made more manifest her advantages in position over all her rivals, and gave her the promise of assured victory, if the State of Maryland, whose proud emporium she was, would but follow and sustain her in the race. For years sectional jealousies, fomented by many of those who now stand prominent in urging her to the measures of Revolution, continued to retard her progress. Local interests, which were natural allies in the cause of State Improvement, were artfully arrayed against each other

by adversaries, who rejoiced in thus effecting the overthrow of all. The seeds of mutual distrust between City and County, were thus sown: Baltimore was represented as the self-aggrandizing Capital, who sought to centre all the power, influence and wealth of the State in herself, and the counties were, in turn, denounced as so many petty communities clothed with undue political power, and wielding it all to the injury of Baltimore. Many of us well remember the results of those causeless distrusts and jealousies, and the recollection of them forces us all to hope they may never return. A few years since State Pride aroused from her long sleep, and touched by her impulses, from that period to this, our local jealousies have been disappearing; the demagogues who sought to inflame the people of our State by exciting in the different sections of it, mutual distrusts of each other's power and influence in the government, were passed by disregarded; and we seemed at length to have become in feeling brethren of one great Political Family, in every section, intent only upon the welfare and advancement of our common State, and proud of the growing wealth and prosperity of this, its Commercial Metropolis. All have seen the workings of this change. Baltimore under the shelter and fostering aid of the State, undertook with Herculean energy, the prosecution of her great works of Internal Improvement; and at the last session of our General Assembly, when our city seemed to be tiring under the effort to continue them, the Legislature at one bound provided all the means necessary for their completion, and for the elevation of our city to the pinnacle of commercial prosperity. All our hopes for her welfare, seemed at length gratified in prospect. In anticipation, we already beheld her the Queen of the Commercial Cities of the East, the *Zenobia* of American Commerce. Fired by the prospect, the energy of our citizens sprang up to fresh exertions, inactive wealth poured itself out from the coffers where it had long lain, into the lap of industry, and they eye of enterprise every where throughout our land was turned to our city. High in credit, rich in our internal and expected resources as a People, our city during the past summer has every where presented the evidences of a rapidly growing and prosperous population.



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At this very moment, when we are just about to reap the fruits of State aid to our great enterprises, and when with all the evidences of present and prospective prosperity around us, flowing from the beneficence of our State Government, one would suppose we were filled with grateful recollections, the cry of *Revolution* is raised amongst us, the hand of the disorganizer is uplifted to strike down our State Government and all its institutions: and we are called upon at the bidding of men, unknown to us in all our efforts for the advancement of our city, or known only as hostile to it, to dash the cup of prosperity from our lips; to suspend all our works of internal improvement; to break our Government into fragments, and go back to a state of nature to recompose it, and to rekindle in the struggle over its formation, and in the contests for relative political power under it, all the petty, local and sectional jealousies which so long retarded our prosperity. Nor is that all—without a single developed plan, adopted or likely to be adopted for our future government, and agreeing amongst themselves in nothing but the intention to destroy the present, these disorganizers, whose schemes of government are so various that even the lifetime of a Sieyes could not manufacture constitutions enough to meet them, would have us to take no thought for the future; and having brought us to the brink of Revolution would plunge us off and tell us to trust to the accidents of the future for our escape from the Gulph of Anarchy.

Before we consider this extraordinary proposition, we would ask: “ *Who are they who have forced it upon our attention?* ” This bold proposition to overthrow the whole government at one blow, and to leave us in a state of nature and to the chances of the future for the establishment of a new one, is submitted to us by nineteen individuals who were chosen Electors of the Senate of Maryland on the first Monday of September last, and who in that official capacity affect to have the right to propose it. They were elected to that office under the provisions of the 14th Article of our Constitution; and their powers are defined by the 15th, 16th and 17th Articles. The 15th Article as it now stands declares: “That the said Electors of the Senate *shall* “meet at the city of Annapolis on the third Monday of September, “1781, and on the same day in every fifth year forever thereafter, and “they

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or any twenty-four of them so met *shall* proceed to elect by “ballot, either out of their own body or the people at large, 15 Senators, “(9 of whom to be residents of the Western and 6 to be residents “on the Eastern Shore)—men of the most wisdom and experience, “above twenty-five years of age, and residents of the State above “three whole years next preceding the election.” The 15th Article having thus declared in the strongest terms the obligation of these Electors to perform this duty, the 16th and 17th Articles direct the manner in which they shall qualify and conduct their elections. *This is the office which these individuals sought under this Constitution; the office the people's agent under it, selected for the single purpose of electing a Senate to continue the government under it.* They stand therefore in the attitude of individuals, who sought at the hands of the people an office having but a single duty to be performed under it—the election of 40 a Senate; and they therefore stood pledged to their constituents, to the people of the State, and to the Constitution of their Country to make that election, by the very act of asking the people to devolve upon them the *known* duty of electing a Senate. They stand in the attitude of individuals, who knew when they offered themselves to the people that they were asking them to put upon themselves the *solemn duty* of electing that Senate. They stand in the attitude of individuals who by asking the office of an agent under the Constitution, stood pledged to their country to act *under* that Constitution and not *against* it. Men may sometimes assume offices which cast upon them duties they had not anticipated, and sometimes unexpected duties which put their own judgments in conflict with that of their constituents—we stop not to speak of the propriety of surrendering their official power in such cases: as there is no parallel between such and the case of these Electors. Every Elector before he was elected, knew the exact amount of influence he would have in electing a Senate: he knew that he could have but one vote out of forty; that if he was elected the constitution required that he *should* elect a Senate, and that twenty-one Electors elected from any section of the State, great or small, had under the constitution the majority of power in the Electoral College. If the power which the constitution gave him when elected was too little, he knew it, and by accepting it with this knowledge, he agreed to take it and exercise it as the Constitution gave it to him, and in no other

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way. And even if it were for a moment admitted, that when the power is accepted with a knowledge of its extent, the agent could turn back from the excrete of it upon the pretence that it was not large enough, this is a question the consideration of which belongs solely to his constituents, and with which he has not the least right to meddle. His constituents elected every Elector to give his vote under the constitution as their vote and not as his own: and until they had expressed their discontent with the power they had given him, and enjoined him not to exercise it, it was his bounden duty to act it out as he found it. We do not admit that a constitutional duty thus assumed could even then be properly disobeyed. The people who gave the power under the Constitution, and the agent who so took, are alike bound by that constitution to the rest of the State, to exercise it as that constitution gives it.

This being in our view the character of the office accepted by these nineteen Electors, they repaired to Annapolis at the time appointed for the election of a Senate, and instead of proceeding to discharge their duty of making the election, they refuse to qualify, and thus declining the duties of that office, they yet claim by virtue of it that the other 21 Electors shall surrender to them the exclusive right of electing a majority of the Senate, and if this be not yielded refuse to act as Electors, upon the sole ground that the very power to which they were elected is not as great as it ought to have been. Of these nineteen thus acting, a large majority acted wholly without even the color of instructions from their constituents; and we say without the fear of contradiction, that several of these Electors acted not only without such, but on the contrary, in direct defiance of the will of their constituents as manifested on every occasion in all past times since the formation of the Constitution. Passing by all the rest, the recorded votes of Annapolis, Caroline, Queen Anne's and Montgomery have ever been found rallied in support of the present constitution: and the rights which these have under it are the very rights which were most assailed by this proceeding. Yet these counties furnish six of "*the illustrious nineteen:*" and if these six, or any *three of them*, had discharged their duty, the Senate would have been now elected. To such a proposition coming from such a quarter, there could be but one reply from the

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Electors who had qualified. The men who made it had refused to assume their duties, and had therefore no more right to make it than any other individuals in the community. It was a proposition which on the part of several of the nineteen, struck at the dearest rights of their constituents and violated their will, as manifested by all their public acts and votes in all past times. *It was a proposition which required the 21 Electors to commit wilful and deliberate perjury, and (in violation of the solemn obligations of their oaths, to exercise their own best judgments in the selection of a senate) to elect for a majority of that body such Senators as the nineteen might be pleased to select for them.* Such a proposition was of course not even received; and upon its declension “ *the nineteen* ” turn their backs upon their Constitutional duty, refuse to elect, and gravely maintain “that the constitution expressly secured to any seventeen of them the right to defeat the election of a Senate,” or in other words, that the constitution in expressly saying, that they *shall* go in and elect a Senate, gives the right to keep out and refuse to elect. Having thus, as far as in them lay, plunged us into revolution: and conceiving that they had thus pulled down in ruins at one fell swoop our whole Government, they call upon us to come forward and *follow* them in the work of rebuilding another. *These are they* who without a thought for the future, having, as they conceive, at one blow cast down to its very foundations the Government of a people, who one short month since, never even dreamed of the possibility of this mad experiment, now claim to be our pioneers, and undertake to dictate to us in what mode we shall escape from the consequences of their rashness and misconduct, by obeying their instructions in the endeavor to keep peace and order amongst us, and to get up some scheme to protect our lives, liberties and property, and to avert a state of anarchy until the people can agree upon a new government.

Fellow-Citizens! to you we appeal to answer the question, “Where did these *Destructives* find their warrant for this mischievous experiment upon our Government? who gave them the power to pull down and build up Governments at their pleasure, as if they were the toys of an hour? Who authorized them to plunge us without a moment's warning, into a condition where, by their own admission, our lives, 6 42 our liberties, our property, the

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security of our homes, the sanctity of our firesides, the honor of our wives and of our children are at the mercy of the lawless and the depredator, unless you, the People, will step in and rescue us from this condition by some temporary provisions for the protection of all these—They advise you to assemble in November next to select a Provisional Government “clothed with ‘full powers to extend the authority of all civil and military officers ‘now in commission, until a convention, hereafter to be chosen, can “be convened to amend the old or form an entire new form of Government “for the People of Maryland.”—We quote their language: and in it you find their own impression of the consequences of their own acts if persisted in, in the necessary inference that if this be not done, your Courts are prostrate, your Laws have ceased to operate, your Governor and all subordinate officers are no longer in authority, and your persons and property left to self-protection without the aid of Laws, Courts or Officers. Where, fellow-citizens, we repeat the question, did these men find the warrant for the attempt to hurry the People of this State without even a warning into such a condition? They pretend to have found it in your recent elections—will they tell us where? will they point to that county where they even dared to hoist the banner of *Revolution*, or whispered that they sought office o proclaim us in a state of *Anarchy*—We appeal to you, fellow-citizens throughout the State, to answer the question, “Did any of them ask you to elect them for such purposes?”—We are aware that in several of the counties of this State, as well as in this City, there has been a great and growing desire to reform some obnoxious features of our Constitution, and that in these places at the recent elections this subject was much agitated—yet will any of the Destructives pretend that even the subject of *Constitutional Reform* was touched in one half of the counties of this state?—Did the People of Somerset, or of Worcester, or of Dorchester, or of Caroline, or of Talbot, or of Kent, or of Queen Anne's, or of Charles, or of St. Mary's, or of Calvert, or of Prince George's, or of Annapolis, or of Anne Arundel, hear any thing in those counties of the necessity even of *Constitutional Reform* from the candidates for their suffrages at the late election, and more especially from the candidates there agreeing with the illustrious nineteen in their Presidential preferences? Did the People of Montgomery or of Alleghany hear any thing of the intention of their

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Electors to diminish their representation, and at their expense to increase that of the larger counties? In the remaining counties of Frederick, Washington, Baltimore and Harford, was the design to change the whole form of government even there fully disclosed?—It is fresh in all our memories, that one of these very nineteen, Mr. *Fisher*, of *Frederick*, upon being questioned through the press immediately after he became a candidate as to his friendliness for Constitutional Reform, in a card published in the papers of that county, stated to the People, that “having been brought out against his wishes he would 43 “not consent to be catechised on that subject,” and thus remaining mute in this great Reform county, he was nevertheless elected. In fine, fellow-citizens, wherever Reform was agitated, it is known to you all that it was advocated as Reform to be made through the Constitution and by your constitutional agents: and that even where thus advocated, it was used as the vague and undefined watchword of parties, without even a definition of what it meant—And if plans of Reform ever were proposed, like the Chameleon, they took their color from the soil they were placed upon—In Alleghany they meant one thing, in Montgomery another, in Washington and Frederick another, in Harford another, in Baltimore City something very different from all the rest—Yet admitting the design of Reform to have pervaded these counties, did any of you, fellow-citizens of the counties, ever hear of Reform to be accomplished by *Revolution*? Did you, the People of Alleghany, or Washington, or Baltimore, ever hear of the design to break down your government, to suspend all your great improvements until you could get a new one, to revive all your old sectional squabbles and jealousies about relative powers under it, and to check the high tide of your prosperity until these could be adjusted amongst yourselves and with your sister counties, and then to take your chances under the new government for regaining all the benefitS already secured to you by the law of the last session, and lost to you without the sanction of the new government, if the measure of the Destructives be persisted in? Did you, the people of the Slave Counties of this State, embracing nearly all, ever hear of the design of a Revolutionary Reform to be based upon an attack on Federal numbers?

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Fellow-citizens, shallow as this pretence of the *Destructives* is, there is yet another feature which reveals more fully the secret purposes of the *Anarchists*—Reform until this attempt has always been advocated as a measure into which party considerations were not to enter; and even now the attempt is to be made to lull us by that cry—In the great county of Frederick, particularly, it was conducted avowedly upon that basis: and many Whigs there and elsewhere are enlisted zealously in the cause—Now, however, Reform can be entrusted only to *Van Buren* Electors: and Revolution we are to have in all its dreadful consequences unless the twenty-one will not only consent to elect a Reform senate, but also a Reform senate the majority of which is to consist of Van Buren senators.

Fellow-citizens of the Van Buren party, we speak to you with more sincerity than have hitherto these pretended friends of Reform without distinction of party, when we say to you, the question which these Destructives have presented to you, is one far above all party considerations, and we know that many of you will so regard it. Whatever office seekers, men who having nothing to lose and every thing to gain by revolution, men who scruple at no means to accomplish their ends, men who hate peace and riot in change, may think of our present crisis, we know that there are amongst you as amongst us, many actuated by a sincere desire to act uprightly in all things, and to advance the welfare of our common State, and the happiness 44 of its people. Behold this measure of Revolution therefore, exhibited in all its nakedness, as a mere expedient to gain a temporary party advantage!—Are you prepared to sanction such a measure? Are you prepared to justify a high public officer in wilfully violating a high public duty involving the very continuance of your government, for the hope of a momentary party triumph? Are you prepared, in the effort to promote the elevation of a *New York* candidate for the Presidency, to blight for the present all the fair prospects of your own State and your own city, to give a dangerous if not fatal stab to the credit of your State and city by shaking all confidence in the security and stability of your institutions, and to commit yourselves and all you hold dear, to the hands of such Revolutionists? It may suit the views of *New York* to produce all these results, at this moment when with gigantic strides your State is reaching at the commerce



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of the West. It may suit her views at this moment, when it is known to you all that the people of the South, irritated at the continued attempts from that quarter to inflame their slave population, are turning to Baltimore as free from the disorganizing spirit. What are Presidential questions to you, compared with the preservation of peace, law and order amongst you, with the constant and steady inculcation of respect for these, with peace and security at home, with tranquility and prosperity throughout your State? A few short years hence, and the very Presidential preferences you feel will be forgotten. But the step of Revolution once taken on such pretext, the sense of public or private security once shaken by such a measure, who can tell the impression it will make upon all the future prospects of your State? The downward step to anarchy and tumult is easy: but once taken, who can tell the time of your recall from it?

But, Fellow-citizens of all parties—Friends of Law, Order and Religion, to you we appeal to mark the crisis at which this Revolutionary attempt has uplifted its head amongst us—*The beginning of the end now is*—The Enemy of all Republican Governments is amongst us—It comes, as it ever has come in all such governments, under the guise of Jacobinism—with great affected respect for the rights of the People, it strikes at the very root of their security by inculcating insubordination to our laws and institutions, and substituting the lawless and licentious impulse of the moment for the well regulated liberty of the freeman—with great pretended regard for the poor, under a government which opens to every man and to every man's children the door to the highest offices and stations of the nation, it strives by its base appeals to envy, to excite discord in the relations of employer and employed, and to make these relations of mutual benefit and protection, sources of social strife—Property acquired by honest industry is held up as a cause of jealousy and offence: and a sincere desire for the peace, order, and stability of society is denounced as warring against the supremacy of the People—It is the cardinal maxim of such a spirit that there is no right of personal liberty or private property so sacred that it ought not to be subject to instant demolition, at the will and bidding of any demagogue who can excite and turn upon it a momentary odium. To restrain such a spirit all governments are established:



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and in the anxious care and numerous provisions of the Constitution of the United States, and of all your State Constitutions, to protect the Government, themselves, and all rights of person and property under them from the hasty inroads or lawless assaults of Faction or violence, and 45 to subject them only to the calm, deliberate and settled action of the People through their laws and authorities, you find your Fathers of the Revolution manifesting their horror of that spirit—they knew that such a spirit, unhinging all public and private morality, diffusing distrust and jealousy through all society, and inculcating habitual disregard for every thing like the authority of government, was the sure forerunner of social and political Anarchy: and that from such a state there was but one step to Despotism. Already is the bold and decided action of this spirit manifest in two of your sister States, in the open assault upon rights of private property as much protected by the Constitution of your Country and the Laws of the States as any right of any of you to any property you have. Admitting, as its chief advocates do, that the rights of property thus assailed are *expressly* protected by the Constitution of the United States, and that Legislatures cannot and ought not to assail them because they are rights of private property originating in and protected by contracts, and the Laws of the land, a *convention* is to be the process by which the gordian knot of public truth and honor, public law, and private right is to be severed—Even here by some amongst us, the doctrine is already proclaimed, that private rights of property are to be at the mercy of this process amongst us—We ask you, then, to whom we make this appeal, to go with us a little further in marking the traces of this spirit in the revolutionary movement of the Destructives in our own State.

Assuming that the case justifying instant revolution in our State Government has arisen, the Destructives affect to rest *their* right to bring it about upon the assertion of the right of revolution, in our Bill of Rights—of that right we shall speak hereafter: and we now only ask: whose right is there asserted?—the right of the people, or the right of mere officers and agents under the government?—Who gave these insubordinate and disobedient agents the right to proclaim Revolution? The sole right resides in the People of the State to change their government: and when have the people delegated to them the right to

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make revolution? They elected them to make a Senate: do they find in that the power to overthrow the government? They elected them as officers who were to be sworn to act and elect under the Constitution: do they find in that the warrant to demolish it all at one blow? No, fellow-citizens, disguise it as they will, they know that in this step they have acted the part of sheer *Usurpers* of your rights: and having as they conceived by one rash step plunged you into Revolution without authority or notice, they want to father the bantling of their mischief upon you. We recognize amongst them several who have heretofore filled high stations under our State Constitution? and took their official oaths to support that very constitution: and who, therefore, in our judgment had still less right to attempt its overthrow.

But, fellow-citizens, what is this Right of Revolution? Is it a plaything to be wielded in every moment of excitement? Is it an instrument to be used whenever party expediency may require it; or discontented office seekers may lament the temporary loss of power? Is it not on the other hand, the last fearful resort of a free people, when all other means have failed; when every spark of hope is extinct; and when it is calmly and deliberately settled, after the fullest consideration, that they are suffering *actual, practical* tyranny and oppressions from the government under which they live, of so intolerable a character, that it is better to incur all the evils of anarchy 46 than continue to endure them, and when there is a rational hope that by the step of revolution they may relieve themselves from such oppressions? In a word, it is like the thunder of Jupiter, only to be wielded on these great occasions of elemental strife between society and government. What rational man ever dreamed of precipitating a people into Revolution for mere theories in government; for mere improvements in its form; or in a word, for any thing but *actual and intolerable oppression? Government is not an end but a means*. It is a mere instrument to protect the rights of the citizen, and advance the happiness and prosperity of the people: and the causes of its overthrow in our favored land are to be found only in its utter prostration of these.

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Fellow-citizens, before we speak of the pretended necessity for Revolution alleged by the Destructives, we deem it proper to say that we are the friends of Constitutional Reform in our State Governments and that we believe it may and ought to be improved by amendment in several particulars. Whether we will agree with the Destructives in all their contemplated reforms, we are unable to say: for to this day Reform has been “ *the veiled prophet*, ” which they call upon men to fall down and worship, and yet will not show us its features. If they desire to change the representation in the House of Delegates, they will not tell us whether they mean to adopt representation according to population, so as to place Baltimore at the head, or whether they will take arbitrary numbers, which only put Baltimore with twice the population, on a level with Frederick County, and thus by adopting a rule without any fixed basis of representation engraft the very same inequality in the new Constitution, to be a subject for future squabble and perhaps attempts at Revolution. If they seek to break down the Senate, where we have always had two Senators, or two-fifteenths of the power of that body, to give us in its stead one senator out of twenty, or one-twentieth of its power; they will not tell us whether they will make up this loss in that body by a proportional increase in the House of Delegates. And so it is with every proposed reform. “Reform” means “Reform:” and that is the only definition we can get from them. The Destructives have however given us an insight into their views, or the views of some of them, as to the proper ratio, in their modest request to us to go into an election on the first Monday of November next, to elect for their conservative body six delegates from each county and city; or in other words, six from Annapolis, with her three hundred voters, as well as from Baltimore with her ten thousand, and *twelve from Frederick county, as she too has a city in her limits*. This is called Reform!!!

But, *Fellow-citizens of the Counties*, whilst we who address you, agree in the propriety of moderate and Constitutional Reform, and will co-operate with the majority of the People of the State, in the endeavor to procure the amendments they may desire in the proper mode, we are not amongst those who call you our Tyrants and Oppressors. If you have sometimes by your Legislation acted injuriously upon our interests and against our

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remonstrances, yet we deny that your course to us has been one of systematic, wanton, and long continued oppression—were we to make this assertion, the millions which you have poured out by your legislation for the last eight or ten years, to aid us in works of Improvement, all leading to our own city, would stamp upon it the character of a libel—we remember the period 47 when, as we have already said, sectional jealousies infested our State, to the great prejudice of Baltimore: fomented too by many who are now leading in the cause of destructive Reform—And yet, at that period when Potomac interests, and Eastern Shore interests, and Country interests, generally, were sought to be arrayed against Baltimore, and the want of due power in the Legislature was most felt, did any of the pretended Reformers cry out “Revolution,” much less attempt it—Where were they found, in the counties?—For the most part, in the ranks of demagogues, inflaming country jealousies, and railing at propositions merely to increase the delegation of Baltimore to four!—But in the last eight or ten years we have perceived and hailed with pleasure the gradual subsiding of all these causeless jealousies of us, and have seen you with delight taking a pride in the advancement and welfare of our City, as identified with the prosperity, power and happiness of the State.

And, *fellow-citizens of the Eastern Shore and of the lower Counties on the Western Shore*, we cannot but remember that at the last session of our Legislature, when the counties of Baltimore, Frederick, Washington, Harford and Cecil, either in part or in whole, were all agitated either in hostility to the aid of the State to our Improvements, or to clog it with restrictions, to your generous and public-spirited support were we indebted for that aid — Nor can we trace your hostility to us in the legislation of the last eight or ten years—If our chartered rights to appoint the Inspectors of Flour, or Whiskey, or Fish were wrested from us, we know that it was the work of the Great Reform counties of Frederick, Washington, Baltimore, Harford and Cecil, constituting in their combined action for these purposes what was facetiously termed by one now a Revolutionist, “ *the Holy Alliance* ”— if our Auction Duties were taken away in 1827, we know that it was the act of the representatives of a large majority of the People, led on by the now very head and chief of the Revolution

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Party of Frederick and of the State—If the right to regulate your *Markets* was assailed, the blow came from Baltimore county, aided again by the large and Reform counties—These are not injuries we can trace to *your having too much power in the Government*: for the recorded votes on all these subjects show that with any representation which any plan of Reform would give us, the large counties would still have accomplished all these measures—The Legislation of Maryland for the last eight or ten years shows conclusively that instead of being our peculiar oppressors, the action of the small counties towards Baltimore has been more kind and beneficent than that of the large counties.

But even upon the subject of Reform, where did these Destructives find the proof that every possible hope of amendment without *Revolution* had failed—You are all aware, fellow-citizens, that our Constitution embodies in itself the mode of its amendment: and that that mode is by a law passed at one session, then published and submitted to the People of the State for their consideration before the next election, and then confirmed by the next Legislature—One Legislature proposes the amendment to the People: and the next Legislature either adopts or rejects, according to the will of the People as ascertained at the election when it is submitted—We know that it is the fashion in these days, with some of the *Revolutionists*, to deride and laugh to scorn our forefathers of the Revolution, the *men of '76*, who rescued us from tyranny, who gave us a name among nations, and built, up 48 for us the Government under which we live—Whatever we may think of their mode of amendment, we respect their opinions and reverence their memories: and the times are sadly out of joint, when coarse sneers upon them and their works, such as some of us have recently heard amongst us, could not only pass without censure but even receive applause. In adopting that mode, *the men of '76* have handed down to us their opinion that every amendment of a Constitution ought to be specially submitted, well considered and deliberately sanctioned. Now what has been the course of many of the Reformers towards the Legislature—Have they or a majority of the People or their Representatives ever gone forward to the Legislature at any time presenting *specific* propositions of Reform, and asking their adoption in the constitutional mode? Have the

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majority of the People or their Representatives ever yet distinctly told the Legislature the exact Reform which they want?—Nay, have the majority ever been able to agree even amongst themselves as to the Reform they desire? Have Reform *Conventions* themselves been as yet able to agree upon any definite plan of amendment? Whenever a majority of the People of this State shall distinctly and unequivocally declare to the Legislature the amendments they desire, we cannot but believe that full justice will be yielded to them— We know that our brethren of the smaller counties are animated with a very different spirit from that of the Destructives, and would not involve us in discord and revolution rather than make Reforms which might involve a sacrifice of some of their political power—And if those of the Nineteen from the smaller counties have truly represented their constituents, there is at once a sudden accession of power to accomplish such amendments from sections of the State hitherto in the front ranks of opposition to Reform.

In the face of all these facts, what language, fellow-citizens, can characterise this measure of Revolution. In a moment of general tranquility and prosperity, when the citizens of the State were dwelling together in most perfect amity, and each day was drawing all of them nearer to each other in feeling and in interest; when the proper steps were just about to be taken to conduct to speedy consummation our great works of Internal Improvement, on which all the future prosperity of our city depends: when every citizen was in the full, secure and uninterrupted enjoyment of every right of person and property, the Firebrand of Revolution is hurled amongst us, like the thunderbolt from a clear sky. We hope the rash men who have done this, have ere this felt regret for their step. They have, in our judgment, not only disregarded a high duty, but have also committed a high misdemeanor against our laws. But if deluded by the excited purposes of party feeling, their consciences whisper no reproaches for the step they have taken, we know there is a tribunal to whose award they cannot be indifferent— *Public opinion is the greatest of all Reformers.* — Let but the people of Maryland speak out in their majesty: and we have no doubt these towering Revolutionists will sink into obedient public agents. An occasion for the people so to speak is at hand. On the first Monday of October next an election of Delegates

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takes place under our Constitution. On that day, let all the friends of Law, Order and Government; let all who fear Revolution; let all who desire Reform by peaceable and proper means; let all who would preserve for their families, themselves and their fellow-citizens, Protection and Security; let all who love Peace and hate Anarchy, 49 rush to the polls, and with united voices proclaim that they are not Revolutionists. By their votes and proceedings on that day let them make that manifest. This done, we have no fears for the future. These Agents, who have attempted to subvert the government, will then know their duty beyond the possibility of doubt: and if knowing they still disregard it, we know there is yet redeeming power enough in our Judiciary to enforce the performance of a high public duty, thus made manifest even to the agent. He will then learn that high public trusts involving the very continuance of the government, cannot be abandoned at his pleasure.

For ourselves, fellow-citizens of Maryland, under the stripes and stars of the glorious old Thirteen, we take our stand in the defence of our Government and Institutions—We want no Revolution, and least of all such as these would bring us—We are here assembled to pledge ourselves one and all to all that men can do to save us from Anarchy. On the first Monday of October next, we hope to shew you that Baltimore is not for Revolution— *Our motto is, "Constitutional Reform and no Revolution."*

*Therefore Resolved*, by us Citizens of Baltimore in Town Meeting assembled, That the nineteen electors of the senate, in their refusal to elect that body, in our judgments have disobeyed the express command of our Constitution; have disregarded a high public trust involving the very continuance of Government, and the security of our persons and property; have committed a high misdemeanor by their wilful abandonment of a high public duty to the discharge of which they stood pledged by their acceptance of it, and merit the severest reprobations of the people of Maryland, and of the friends of liberty, order and good government throughout the Union.

*Resolved further*, That in their attempt to overthrow the Government of this State, and to introduce Anarchy and Revolution in its stead, the said nineteen electors have warred



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against the peace, order and happiness of society; have sacrificed the best interests of the people of Maryland, have endangered the present prosperity, and blighted for a time all the fair prospects of this city; and that in so doing, they have given us just cause to doubt their claim to the title of *Reformers*.

*Resolved further*, That in their proclamation of Revolution, and in their attempt to dictate to the people of this State the manner in which they shall form a new government to escape the consequences of anarchy, the said nineteen electors have usurped the sovereignty of the people of Maryland, and put in jeopardy the vital principle of all republican institutions.

*Resolved further*, That in the attempt by the disregard of a high public duty to prostrate the government, laws and institutions of this state for the accomplishment of *mere Party ends*, the said Nineteen Electors have lost all claim to the support of the virtuous and patriotic of all parties, who abhor the use of wrong means to accomplish any end, and who hold the welfare of their country and the permanent prosperity and happiness of their state and city above the mere expedients of Party.

*Resolved further*, That the Twenty-one Electors of the Senate who have qualified for the discharge of their duty, and who are still continuing their sessions at Annapolis from day to day, for their endeavors to preserve to us the inestimable blessings of Peace, Order and Government, are entitled to the confidence and affections of the People of Maryland: and that it is the most earnest wish and request of this meeting, that the said Electors will there remain prepared to discharge their duty of electing a Senate, until the People of Maryland shall have had time by the power and majesty of public opinion, to quell revolution, and to return their Agents to the post of duty.

*Resolved further*, That the said Twenty-one Electors in refusing to receive propositions coming from individuals who would not assume the office under color of which they professed to act, and propositions too involving a degrading surrender of their duty, and



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asking nothing less than the commission of deliberate perjury in the surrender of their own right of choice, have acted the part of honorable men and faithful public servants.

*Resolved further*, That we are for Reform and against Revolution.

*Resolved further*, That to make manifest to the People of the State and to our fellow-citizens throughout the union, that Baltimore prefers Peace, Order and good Government, Stable Institutions, and Inviolable Public and Private Credit, to Faction and Revolution, this meeting will proceed forthwith to nominate two suitable individuals as candidates for the offices of Delegates from this city to the next General Assembly of Maryland: and that for that purpose the President of this meeting be requested to nominate forthwith a committee of twelve, to select and report to this meeting for their approbation, two suitable individuals for those offices.

*Resolved further*, That from this period until the first Monday in October next, we will devote our time and energies in the endeavour to make manifest by the success of our candidates, “ *that Baltimore is against Revolution:* ” and that that day we will set apart as a day sacred to the cause of Peace, Order, and the Preservation of our Institutions, Persons and Property, and on that day closing our shops, our stores and our offices, and abandoning all other avocations, we will devote ourselves to the endeavour to secure the success of the candidates whom this meeting may select.

On motion a committee was appointed by the President, consisting of *S. C. Leakin, J. Frazier, W. H. Conkling, Thos. Kelso, Thos. Wildey, G. R. Gaither, A. E. Warner, F. Tensfield, Thos. Sheppard, Joshua Dryden, Thomas W. Hall and Joshua Medtart, Esqs.* to consider and report suitable persons to be nominated as candidates for the Legislature. The committee having retired, reported the following resolution, which was *unanimously* adopted:

*Resolved by this Meeting*, That SAMUEL JONES, Jr. and SAMUEL THOMPSON, be and they are hereby nominated as Delegates from this city to the General Assembly of

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Maryland, and that we pledge ourselves to use all fair and honorable means to secure their election.

WM. M'DONALD, *President.*

### **Vice Pres's.**

John M'Kim, Jr.

Solomon Etting,

John Dushane,

Luke Tiernan,

Ro. D. Millholand,

Wm. H. Conklin,

Jacob Wolfe,

Solomon Betts,

Samuel Hoffman,

John Gibson,

Joshua Wall,

Jos. W. Patterson,

### **Secretaries.**

*Thos. W. Hall,*

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*W. Crawford,*

*O. C. Tiffany,*

*W. G. Harrison,*

Baltimore, Sept. 26, 1836.

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The spirited proceedings in Alleghany next claim our attention. They are copied from the papers published in that intelligent and patriotic county.

### PRESENTMENT

*Of the eighteen recusant Electors, by the Grand Jury of Alleghany County.*

The Grand Inquest for the body of Alleghany County, being about to return to their homes, deem it their duty, before they separate, to take some notice of the causes which led to the present momentous and alarming crisis in the public affairs of our state. Certain individuals intrusted by the people with the duty of appointing a Senate for the State have refused to execute their trust, and have left the State without a Senate. The conduct of those men is without excuse or palliation—they intended to secure the triumph of a party, and failing in that, to subvert the Government, and endangering the public tranquility. The Grand Jurors do, therefore, PRESENT

Geo. A. Thomas,

Charles Magill,

Robert Wason,

Casper Quynn,

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John Fisher,

George Ellicott,

Ephraim Bell,

Joshua Vansant,

John Evans,

Wesley Linthicum,

Samuel Sutton,

Wash. Duvall,

Robert T. Keene,

M. Fountain,

Enoch George,

John B. Thomas,

Sprigg Harwood,

Thomas Pope, *as unfaithful public agents and disturbers of the public peace.*

George M'culloh, *Foreman.*

Henry Brown,

Alexander King,

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\*

\* The marked with a star (\*) are Van Buren men—being 11 of 20 Jurors.

M. Duckworth,

H. N. Shaw,

\* Joseph Dilley,

\* J. L. Browning,

John Poland,

\* John Watts,

Robert Lashley,

Sing Townsend,

\* Peter Krigbaum,

\* George Staup,

\* Andrew Rice,

\* Wm. Robinson,

James M'carty

\* Joshua Knight,

\* Thomas Beall,

Henry White,

\* Godfrey Fazenbaker,

Cumberland, Oct. 18, 1836.

## LARGE MEETING

*Of the citizen of Alleghany County, at the court house, in Cumberland, October 17, 1836.*

In pursuance of public notice, an unusually large assemblage of the people of Alleghany County, without distinction of party, convened at the Court House in the town of Cumberland, on Monday the 17th inst. The meeting was organized by calling *Wm. McMahon* to the Chair, assisted by *Meshack Frost* and *Joseph Dilley*, and appointing *John M. Buchanan*, Secretary, and *Singleton Townsend*, assistant Secretary.

The object of the meeting, which was to take into consideration the present important crisis in our state affairs, was stated by B. S. Pigman.

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James Dixon, *of Frederick*, having been called upon, addressed the meeting in an eloquent and forcible manner, repudiating in the strongest terms, the conduct of the nineteen recusant Senatorial Electors—denouncing the course recommended by them as leading directly to collision and ultimate bloodshed. On concluding his remarks, he was heartily and unanimously cheered by the meeting.

William Price, *of Hagerstown*, being next called upon, arose and addressed the meeting in his usual happy and eloquent manner, depicting the deplorable condition in which the state will be thrown by a perseverance in the course adopted by the recreant Electors. He sat down amidst the applause of the meeting.

The venerable chairman of the meeting— Wm. M'mahon, *honest and true to the last*, next arose and implored the meeting in the name of GOD to pause and reflect before they took

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any step which could, by possibility, lead to a revolution—that he hoped they would remain firm and stand by and sustain the Laws and Constitution of the State. He seemed very much affected, and appeared like a father addressing his children, and in taking his seat he was enthusiastically cheered.

Michael C. Sprigg, then offered the following preamble and resolutions, which were unanimously adopted by the meeting—(save the single dissenting voice of Mr. Daniel Blocher, the editor of the Advocate.)

[ *Here follows the Preamble and then the following Resolutions.* ]

*Resolved*, that we condemn the conduct of the aforesaid recusant Electors, who, having solicited and obtained the appointment at the hands of the people, betrayed the trust reposed in them, by basely and treacherously refusing to attend the Electoral College (as enjoined by their positive obligations to the Constitution) with a view to dissolve the Government of the State.

*Resolved*, that we consider a revolution at this crisis, the greatest of all conceivable calamities—that we deprecate it as fraught with certain mischiefs, and recommended to us not even in prospect by any counterbalancing good, and that as peaceful citizens devotedly attached to our native and adopted State, and feeling a deep and abiding interest in her honor and prosperity, we solemnly pledge ourselves to sustain the Government against any revolution.

And whereas, we have understood that *John S. Sellman* has returned to the Electoral College, with a view to the appointment of a Senate—therefore, *Resolved*, That we consider his conduct in that respect as highly honorable and patriotic.

*Resolved*, That as we cannot approve, we will not unite or co-operate in the measures recommended at some late meetings in Frederick county, as tending directly to anarchy and confusion, and we fervently hope that such rash and imprudent counsels will be

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discountenanced by the good sense, virtue and patriotism of the people, and for this purpose we recommend that District meetings be held throughout the county.

On motion the proceedings of the meeting, signed by the officers, were directed to be printed and copies sent throughout the State.

On motion, the meeting then adjourned.

WM. M'MAHON, Pres't.

**Vice Pres'ts.**

MESHACK FROST,

JOSEPH DILLEY,

John M. Buchanan, Sec'y.

Singleton Townsend, Assistant Sec'y.

*Oct.* 17, 1836.

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Mr. Michael C. Sprigg, having applied to Mr. Buchanan for the circular, which he had understood was in his possession, received it as follows, and also the reply:

(CIRCULAR TO MR. BUCHANAN.)

Baltimore, *Oct.* 9th, 1836.

To J. M. Buchanan, Esq:

*Sir:* It will be recollected that the Nineteen Electors who refused to meet with certain of their colleagues to form a Senate, in their Address to the People of Maryland made the



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following recommendation: "We would most humbly and respectfully recommend to our fellow-citizens throughout the State, to proceed forthwith, to elect on the first Monday in November next, six delegates from each county and city, to meet in Convention at Annapolis, on the third Monday of the same month, clothed with full powers to extend the authority of all civil and military powers now in commission, until a Convention hereafter to be chosen, can be convened to amend the old or form an entire new government for the people of Maryland,"

In pursuance of the above, meetings have already been called in several counties, and Delegates to a Provisional Convention will have been nominated before this reaches you. For the purpose of deliberating upon the just demands of the whole people, and the best means to attain a reform of present abuses, it is very desirable that the friends of a Republican Constitution in every county in the State should make a common effort in the cause, and elect Delegates to said Convention. You are therefore respectfully requested to use your best exertions to further the object recommended by the Nineteen Republican Electors, by calling meetings immediately, and putting in nomination such gentlemen as the friends of Reform in your County may judge best able to represent their views on the subject in agitation, and to carry out the measure recommended in the foregoing extract from said Address to the People.

It will be necessary that some arrangements be made in reference to the Judges of Election.

On behalf of the friends of reform,

We are, with high respect,

Your obedient servants,

William Krebs,

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John Jas. Graves,

T. Parkin Scott,

Joshua Vansant,

Albert Constable,

Geo. Gordon Belt,

Cornelius M'Lean,

B. H. Richardson,

John S. Tyson,

Joseph White.

(MR. BUCHANAN'S REPLY.)

Ellerslie, *near Cumberland*, October 15, 1836.

*Gentlemen:* I received your circular communication dated 9th inst. informing me that “the nineteen electors who had refused to meet the twenty-one and elect a Senate had recommended to their fellow citizens throughout the State to proceed forthwith to elect on the 1st Monday in November next, six delegates from each county and city to meet in Convention at 54 Annapolis,” &c. &c. and to “use my best exertions to further the object recommended,” &c. &c.

Could I imagine that any possible advantage would be derived to the interests of this, the county of my adoption, to the honor of my native state, or to the welfare and happiness of the citizens thereof, by adopting the course recommended by the nineteen electors, I would most cheerfully and cordially yield my feeble but zealous exertions to promote the

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object of your communication. But inasmuch as I conscientiously believe that should the course recommended by the nineteen recusant electors be carried into effect, that it will be destructive of the best interests of the state, and will inflict a stab upon our institutions, and present happy and prosperous condition as a state, which neither time nor the ingenuity of men will ever be able to heal, I cannot of course, co-operate in carrying the proposed convention into effect.

In thus refusing to lend you my aid, I trust I will not lay myself liable to the imputation of having changed my sentiments upon the all-absorbing subject of state reform.

Those who know me personally will not for a moment entertain such an idea. It is well understood here that I have been a principal pioneer in Alleghany in propagating the principles of reform; but I never for an instant supposed that the good work was to be accomplished by means of a Revolution, and at the sacrifice of the honor of the state, and thereby bringing upon us all the calamities of a civil war, anarchy, confusion, bloodshed and a train of evils too horrible to imagine. This is no ideal picture. Before the proposed project can be consummated, we will be witnesses of the sad reality, and those who are now foremost and loudest in advocating this nefarious scheme, will be first to fall victims to their mad and ruinous indiscretion.

I entreat you, gentlemen, by that love which I know you all entertain for your country, by the tender and endearing ties by which you are connected with your wives and children, to abandon your present wild and visionary scheme (to call it by no harsher name) and let us all, at this important crisis, unite, cordially, and heartily in one common effort to save the constitution of the state and her laws inviolate, from the perfidious hands of ambitious demagogues, and the machinations of wicked, corrupt and abandoned political knaves.

I am now as I always have been, the decided and zealous friend of reform, and will cheerfully go as far as those who step the farthest to remedy the grievances complained of in our present form of government, according to the mode indicated by the sages who

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framed our constitution. To any other mode I would object at this time, as being dangerous alike to the stability of our institutions, to the interest and honor of the state, and to the peace and happiness of her citizens.

Under the present very excited state of public feeling, I doubt very much, whether any form of government could be adopted, which would prove at all acceptable to the *whole people*, or give peace and quiet to the State.

I humbly pray, however, that a season much more propitious to a calm discussion of the interesting subject of reform is not far distant, when we will all see “how sweet and pleasant it is for brethren to dwell together in unity and love”—when the feuds and angry bickerings of party strife will have died away, and floated down the stream of time no more to be remembered, 55 or remembered only to be condemned and regretted, when we will all be able to set down together as our fathers did of old, intent only on forming such a system of Government as will advance the prosperity of the state, the honor and happiness of the people, and enable us to hand down to the latest posterity, unimpaired, the advantages and blessings of a free government.

With sentiments of respect,

I am, gentlemen, your friend truly, JOHN M. BUCHANAN.

To William Krebs, John James Graves, &c. [as above.]

The people of Alleghany not only repudiated the conduct of the Nineteen Electors, but extended their resentment to the Hon. Francis Thomas, the Van Buren Representative in Congress from that district, for his active agency in the origin and prosecution of the Revolutionary scheme of the seceding Electors. From one of the papers of that county we transcribe the following resolutions:

POLITICAL MEETING AT SELBY'S-PORT, *Alleghany county*.

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At a large and very respectable meeting of the voters of Selby's-port district, convened agreeable to previous notice, without distinction of party, at Selby's-port on Wednesday the 29th Oct. 1836. Mr. Leonard Smith was called to the chair, and Mr. *Athanasius Mudd* appointed Secretary. On motion of Mr. Singleton Townsend, the chair was empowered to appoint a committee of five, to report to the meeting Resolutions for its consideration, in regard to the present momentous crisis of our State affairs. The chair appointed Mr. Singleton Townsend, Jacob Clemmer, David Hoffman, Richard Drane, and Jonathan Frantz as said committee. After retiring for a while, Mr. Townsend, in behalf of the committee offered the following resolutions, which he prefaced with some very appropriate remarks.

*Resolved*, by us citizens of Alleghany County who have assembled at Selby's-port, that the 18 recusant electors of the Senate in their refusal to elect that body, in our judgment have disobeyed the express command of our Constitution, have disregarded a high public trust involving the very continuance of our state Government, and the security of our persons and property; have committed a high misdemeanor by the wilful abandonment of a high public duty to the discharge of which they stood pledged by their acceptance of it, and merit the severest reprobation of the people of Maryland and the friends of liberty, order and good Government throughout the Union.

*Resolved*, That in their attempt to overthrow the Government of the State and to introduce anarchy and Revolution in its stead, the said 18 electors warred against the peace, order and happiness of society, have sacrificed the best interest of the State of Maryland, and especially of Alleghany County; have endangered the present prosperity and blighted for a time all our fair prospects, and in so doing, they have given us just cause to doubt their claim to the title of Reformers.

*Resolved*, That in their proclamation of Revolution, and in their attempt to dictate to the people of this state the manner in which they shall for?? 56 a new government, to escape, the consequences of anarchy, the said 18 electors have usurped the sovereignty

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of the people of Maryland, and put in jeopardy the vital principles of all Republican Institutions.

*Resolved*, That the said 18 electors in their refusing to perform a high public duty, which was required of them by the constitution of our state, did make the attempt to prostrate the laws and institutions of the state for the accomplishment of mere party ends.

*Resolved*, That we consider a Revolution at the present crisis the greatest of all conceivable calamities; that we deprecate it as fraught with incalculable mischief, without any counterbalancing good; that as peaceable citizens devoted to the state, and feeling a deep and abiding interest in her honor and prosperity, we solemnly pledge ourselves to sustain our government against Revolution.

*Resolved*, That the 21 electors of the Senate, who qualified as the constitution required, and took their seats in the College, have done their duty, and deserve the approbation of the friends of order throughout the Union, and especially of the people of Maryland. That by their prudent and correct course, they have preserved us from an evil that we cannot but dread.

And whereas, *John S. Sellman* has returned to the electoral college with a view to the election of a Senate—Therefore, *Resolved*, that we consider his conduct in this respect highly honorable and patriotic.

And whereas, the aforesaid 18 electors did, in their address to the people of Maryland, recommend to them to elect six delegates from each county and city, on the first Monday in November, to meet in Convention at the city of Annapolis on the 3d Monday of the same month, clothed with full power to extend the civil and military functions now in commission, until a convention hereafter to be chosen can be convened to amend the old or form an entire new Government for the people of the state of Maryland; and whereas, certain individuals in the city of Baltimore have in obedience to the aforesaid recommendation,

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been endeavoring to promote such an election in this county; and whereas, we look upon such characters as *disturbers of the peace and good order* of our state—therefore

*Resolved*, That any person or persons in Alleghany county, who shall, in obedience to the recommendation of the aforesaid 18 electors, proceed to appoint, elect, or cause to be appointed or elected, delegates to meet in such convention, *deserve all the CONTEMPT* that is due from an honest and patriotic people towards common *DISTURBERS OF THE PEACE* of the state, and as *SUCH we shall look upon them and treat them*.

The above resolutions were unanimously adopted by the meeting.

Mr. Singleton Townsend then arose and remarked, that considering the conduct of *Francis Thomas*, Esq. as deserving the highest animadversion, he would offer the meeting for consideration the following Preamble and Resolutions:

Whereas, *Francis Thomas* Esq. our present Representative in Congress, has taken an active part in promoting a change in our State Government, by such means as we believe to be against our best interests, as also the interest of the State of Maryland; and whereas, from his course in this matter, he has given us reason to believe that he has no regard for our interest, but <sup>57</sup> that he is seeking self aggrandizement at the expense of his constituents—therefore,

*Resolved*, That we view him guilty of base ingratitude to the citizens of the State, and especially to the people of Alleghany county.

*Resolved*, That he has no longer any claim to the confidence or respect of the people of Maryland or of this Congressional District, and that in our opinion he ought forthwith to resign his seat in Congress, that the voters of the district may select another to fill the vacancy, who would pay more respect to their interests.

The above were carried by the meeting except three dissenting voices.

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The above to be signed by the officers and printed in the Cumberland Civilian.

LEONARD SMITH, *Cham'n.*

Athanasius Mudd, *Secretary.*

From the National Intelligencer we copy the following proceedings in Washington County:

### WASHINGTON AND FREDERICK COUNTIES.

The largest meeting ever convened in Washington county was held near Hagerstown on Saturday last. It was addressed by a number of gentlemen in the most eloquent manner, amongst whom were Maj. J. M. Coale and David Hoffman, Esq. two of the Whig candidates for Electors. We have no room for but two of the resolutions and one or two toasts.

*Resolved*, That we solemnly pledge ourselves to the friends of order and law throughout the State, and with equal solemnity warn those who have defied, and are yet seeking to subvert both, that we deem it our first duty under heaven to defend the institutions bequeathed to us by our wise and gallant sires; that we acknowledge the authority of the Constitution and Laws, and will uphold them as they now stand until peaceably and constitutionally changed; and that we disclaim and utterly renounce the illegal Convention proposed by the faithless Electors, and deny that it can have *any power*, but further to disturb the peace.

*Resolved*, That we will support our institutions and resist their lawless assailants by ALL the means in our power; as our forefathers did, so do we now, in the sight of heaven, solemnly pledge our lives, our fortunes, and our honor.

### TOASTS.



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*The Grand Conspiracy*—Let its leaders remember that Guy Faux was beheaded by the common law.

*The Glorious 21*—Faithful sentinels on the watch-tower of liberty; they richly merit the patriot's warmest gratitude.

*The "Inglorious 18"*—The good ship of State was entrusted to their care: they have leagued with a pirate to run her upon the rocks, and plunder the wreck.

The Whig Central Committee of Frederick county have issued resolutions declaring, in the most emphatic manner, their firm resolution to sustain the Laws and Constitution of the State. The following is one of the resolutions: 8

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*Resolved*, "That we strike hands" with a solemn pledge to rebuke the spirit of revolution, and to vindicate the peace, government, and dignity of the State.

As the Revolutionary design of the Nineteen was supposed to have originated in Frederick County, and as instructions to the Nineteen to secede from the electoral college were first adopted in that place upon the recommendation of a committee, of whom the Hon. Francis Thomas, the Representative in Congress from that district, was a prominent member, the indignation of the people of that county, like that of the independent yeomanry of Alleghany, was extended from the faithless electors to their Representative.

From the Frederick Herald we transcribe the subjoined Address and Resolutions:

TO THE FRIENDS OF PEACE, GOVERNMENT AND GOOD ORDER.

At a meeting of the Central Committee, and the Committee of Vigilance of the Whigs for Frederick county, the following Address was unanimously adopted by the meeting, and ordered to be signed by the chairmen and secretaries, and printed; and it was on motion

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further unanimously ordered, that copies thereof should be sent to every district in the country, and every county in the State:

We stand on the verge of a fearful Revolution. We have been thrown by the desperate measures of a faction, in Baltimore, Frederick, and Cecil, into a state of confusion and impending anarchy, the consequences of which no wisdom can anticipate, and which have filled the minds of reflecting men with consternation and dismay. In the present condition of things, the foundations of social government must be speedily broken up; and we are forced to trust to chance or to the workings of a fearful Revolution, for the restoration of law and order. The State of Maryland in this crisis presents to the world the unprecedented and awful spectacle, of a free people whose ancient government has been overthrown by a few reckless disorganizers, without any preparation for the formation of a substitute. We may be speedily thrown back upon the original elements of society, tossed amid the storms of a wild and frightful Revolution, without chart or compass, and almost without a ray of hope. In the great drama of social life, it is a new and a lamentable act; and time alone can disclose how lamentable may be the catastrophe. If this melancholy condition of things were the result of the deliberate action of a whole people, in their united energies might be reposed a firm hope for the speedy restoration of peace, government and good order. But a betrayed, an indignant, and a divided people, plunged by a reckless faction into the midst of a revolution for which they were wholly unprepared, cannot hope to emerge either peacefully or speedily. Under such awful circumstances the undersigned feel impelled to lay before you, in the simple and unadorned language of truth, a statement of the cause, the character, and the effects of the present revolutionary condition of the State of Maryland.

By the Constitution of Maryland, The Electors of the Senate are peremptorily required to meet at Annapolis on the third Monday in September, and are further required then and there to proceed to the election of fifteen Senators.

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The voluntary acceptance of the Electors of this high and solemn trust with which they were invested by the suffrages of a free people, imposes upon them a solemn obligation, faithfully and speedily to execute it. This obligation in open contempt of the people, by a shameful violation of their official duty, nineteen of the Senatorial Electors, have wholly refused to discharge, by meeting the remainder of the College of Electors now assembled at Annapolis in pursuance of the requirements of the Constitution. When we reflect upon the importance of the trust confided to the electors, the execution of which is absolutely necessary to maintain the laws and the government; we can scarcely realize any condition of things which could either justify or excuse these trustees of a confiding people for non-compliance with their duty.

It becomes us therefore to scrutinize severely the causes which have induced the nineteen Electors to neglect their duty, to abandon their trust, and by failing to appoint a Senate, to overthrow the whole fabric of government, and precipitate a revolution. No calculation of the popular vote of the State, however plausible, can justify their conduct. It is sufficient that they were elected by the suffrages of a free people according to the forms prescribed by the Constitution of Maryland, under which their predecessors have faithfully discharged the trust since the formation of the government; it is sufficient that they have been solemnly invested with the power, and have voluntarily accepted the trust. In the discharge of their important function the language of the Constitution is imperative; and the neglect of their duty is a daring assumption of responsibility, for results which no man can foresee. The election of Electors has been made according to the fundamental law of the land, and the voice of the people constitutionally expressed through the ballot-box, has given to one of the two great political parties of this county the ascendancy in the Electoral College. The minority of the Electoral College consisting of nineteen members, with a recklessness and effrontery, unparalleled in the annals of the world, present to you but one desperate alternative, either to give to them that ascendancy in the State, which the votes of the people have denied them, or, to behold the whole frame of government thrown into inextricable confusion—the supremacy of the laws trampled under foot—peace,

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government and good order swallowed up in anarchy and confusion—and our own native State, the proudest and the purest of the OLD THIRTEEN, plunged into the horrors of a frightful revolution.

Here let all reflecting men pause and contemplate. There is no desperate demagogue wily enough to dupe the great body of the people in a crisis like this, pregnant with destruction to every thing that is dear to freeborn citizens, who tremble for their beloved country. What is the expression of popular feeling and opinion upon which the recreant nineteen have relied as a justification or as an apology for their deperate conduct?

The recommendation of the Baltimore Republican, a press, which for the last twelve months, has teemed with incendiary publications, disseminating throughout the State, the most destructive and fanatical principles of levelling and disorder, well calculated to alarm a peaceful people; the instruction of a revolutionary club in the second election district of Frederick, arrogating to itself the authority and presumptuously acting in the name of the whole county; and a small gathering in the city of Baltimore and the county 60 of Cecil. These nineteen refractory and unfaithful Electors, relying for a justification of their revolutionary conduct, exclusively upon the movement of this faction of levellers and disorganizers in Baltimore, Frederick and Cecil, have betrayed and undone the people.

We have seen the conduct and pretensions of these nineteen refractory electors: let us now contemplate, with composure if we can, the frightful consequences to this people, unless there be in our fundamental law some conservatory principle as yet undiscovered. It is well known to you that the government of Maryland is composed of three departments, the Legislative, the Executive and the Judicial, which although separate, distinct and independent in their respective spheres of action, are nevertheless, essential to each other. The Legislative department is composed of two branches, a Senate and a House of Delegates, both branches being necessary to constitute the General Assembly. The Senate is required to be appointed by Electors who are immediately elected by the people. The House of Delegates will be elected on the first Monday in October next: and the

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Legislature is required to assemble on the fourth Monday in December. The people of this State promptly discharged their duty by the election of Electors to appoint a Senate, but nineteen of their public servants, thus elected, have deliberately defeated their will by refusing to discharge their duty. The government may continue until the first Monday in January, when the term of service of the present Governor expires; and then by the provision of the constitution, a new Governor must be appointed by the joint ballot of the two branches of the Legislature, the Senate and the House of Delegates.—The nineteen Electors having refused to elect a Senate for that purpose, you will then be plunged at once into the vortex of a revolution.

The Governor and Council are the Executive branch of the Government, who appoint the Judges and other public officers. As then by the conduct of these nineteen Electors you will have neither a Legislative nor an Executive department, the whole machinery of Government will crumble into ruins. You will bear in mind that officers who are appointed annually go out of office at the end of the year, unless a successor be appointed, when they may continue in office until that successor qualifies. There will be no appointments for the ensuing year, for the nineteen Electors have annihilated the appointing power. Consequently after the first Monday in January, you will have no Governor and Council, no Justices of the Peace, no Judges of the Orphans' Court, no Coroners, no Constables. Your Judiciary and your County Courts must fall, for there is no salary provided for your Judges, and there will be no Executive to execute their decision. The Orphans' Court, that great custodiary of the rights of the widow and the orphan, will be stripped of its salutary jurisdiction. The dead bodies of your fellow-citizens may blacken in the sun upon your public highways, for there will be no Coroner to ferret out the slayer or to bury the slain. The burglar, the robber, the felon, will be let loose to prowl abroad with impunity. Red murder may stalk fearlessly through the land, for there is none to question or to punish him. The debtor will laugh to scorn his creditor; for the courts of justice will be closed.

Nor do these reculant nineteen stop here. But arrogating to themselves a sovereign power, which the people have thought too dangerous to bestow even upon their

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Legislature, they have not only attempted to overthrow the 61 established government, but have, by a proclamation published in the city of Baltimore, recommended to the people to assemble in convention to take measures for framing a new system, and have prescribed the ratio of representation in that body.

It is a principle admitted on all hands, that a change of government whether legal or *revolutionary* can only be effected by a decided majority of the whole people clearly ascertained on that point. Yet we have presented to us the startling spectacle of nineteen private citizens (for having failed to qualify in the College and abandoned their trust they disclaim the title of Electors) after having conspired to overthrow the government, these nineteen private citizens usurping the sovereign power of the people of Maryland call upon the citizens of this State to assemble in convention to prepare for building up out of the ruins they have scattered around us another government, which may perchance restore to them that political ascendancy, which their party has lost in the late elections. Like the result of the deliberations in the infernal councils, they have resolved to “RULE OR RUIN!” But they further attempt to justify or excuse this movement to the people of this country upon the ground that it will result in Reform. How far they have been influenced by a sincere attachment to Reform, let their own conduct declare. If Reform, and not political ascendancy in the State had been their object, the nineteen seceding Electors would have bowed to the will of the people as expressed at the late senatorial elections, and in their letter to the Electoral College assembled in the Capitol at Annapolis, would have demanded, not EIGHT VAN BUREN SENATORS but FIFTEEN REFORM SENATORS. Again, seven at least of the nineteen Electors cannot be called friends to Reform. These are the Electors from Anne Arundel, Queen Anne, Caroline and the city of Annapolis. No man will pretend that these seven electors are friendly to reform, or that they would be sustained by their constituents in any action for that purpose. Yet these seven, opposed as they are to Reform, united in this conspiracy to advance the interests of their party. Political ascendancy therefore, and not Reform, was the main-spring of this desperate movement. We will pursue this enquiry yet a little further. Two great

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political parties of several counties of this State, including Frederick, Baltimore and Cecil, assembled a few months ago in full Convention in the city of Baltimore, and entered into mutual pledges to apply to the next session of the Legislature to pass a law preparatory to calling a Convention to reform the Constitution. That pledge was still in force, and the prospect of reform brightning before us, when these nineteen Electors blasted all immediate prospect of reform by destroying that very legislative body by whose agency it was to be obtained. The cry of REFORM is upon their lips, but RIOT, REBELLION AND REVOLUTION are in their hearts. In a word, confusion and anarchy with all their train of calamities threaten to overwhelm a once peaceful, happy and contented people. The nineteen were elected to appoint a Senate, but faithless to their trust, they have attempted to subvert the government and to call a convention. And if we, by any good fortune, escape the impending calamities, it will be because the great body of the constituents of these refractory gentlemen, scorning to uphold or countenance the intrigue of a faction of desperate demagogues will compel them to discharge their duty by returning to the College of Electors.

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*Voters of Frederick county! Freemen of Maryland! Lovers of peace, government and good order! Are you prepared for this state of disorder? Reformers of Frederick County! Ye who are determined steadily to pursue reform by all peaceful means—but who would not for any price or for any purpose trample upon the Government of our native State, and plunge recklessly into the depths of a fearful revolution—awake to the crises before you!— Men of peace — Men of reflection — Men of property — Men of family —* arise in your strength to rebuke the insolence and effrontery which threaten to wrest from your hands and to plunge into confusion the government which you have inherited from your forefathers. Let your voice speak in tones of thunder at the polls on the first Monday in October, that those who have attempted the subversion of your government, may read in the result what it is to provoke the wrath of an insulted people. Arise and exert yourselves to redeem the character and to wipe out this blot on the escutcheon of Maryland, now a hissing and

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a bye-word among the nations of the earth. Let us unite to cheer and to sustain in the discharge of a most arduous duty the twenty-one Electors, who, true to the government, to the people and to themselves, are now quietly awaiting at Annapolis the return of the refractory nineteen to the discharge of their duty. Discharge your duty firmly and faithfully and the scorn and the indignation of such abused people will yet overtake the actors of this dark, and deep, and despicable conspiracy against the free people of Maryland. There is a fund of good sense abroad among the people of all parties sufficient to shield us from ruin. There are among our political adversaries *men of peace, men of prudence, men of reflection*, who will never sustain this desperate conspiracy of a desperate faction. We confidently trust there are yet constitutional conservative remedies. At all events, come weal or woe—victory or defeat—triumph or disaster, *let us unite to vindicate peace, government and good order in the good old State of Maryland!* Let us be found “Like brave men struggling to avert our fate, Or greatly falling with a failing State.”

Signed, by order of the *Central Committee* and of the *Committee of Vigilance* for Frederick County.

### **Chairmen.**

MOSES WORMAN,

WM. BRADLEY TYLER,

### **Secretaries.**

Cyrus Mantz,

Wm. J. Ross,

WHIG RESOLUTIONS.



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*Resolved*, by the Whig Central Committee of Frederick county, that we denounce the conduct of the recusant electors, and emphatically disapprove their illegal and unauthorised recommendation to the people to assemble in convention for the purpose expressed in their address.

*Resolved*, That we will not submit to the recommendation of the recusant electors, or to the proceedings of any convention, assembled under such recommendation.

*Resolved*, That a deep sense of our obligation as citizens of the State of Maryland, and as friends of order, peace and good government, will not admit any union with the Van Buren party in their scheme of revolution, 63 and that we deprecate their proceedings as subversive of republican principles, and destructive of the best interests of the State of Maryland.

*Resolved*, That the supporters of the recusant Electors are the friends of Revolution and the enemies of Reform.

*Resolved*, "That we strike hands" with a solemn pledge to rebuke the spirit of revolution, and to vindicate the peace, government and dignity of the State.

*Resolved*, That we will in no manner countenance, aid or assist the recusant Electors or their aiders and abettors in their nefarious design of destroying the government, or by any concurrence on our part support them in the attitude of hostility to the institutions of their country, which they have assumed.

*Resolved*, That these proceedings signed by the Chairman and Secretary by published on Monday morning, and that copies be sent to every county in the State and to every district in the county.

RICHARD POTTS, *Chairman*.

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Cyrus Mantz, *Secretary*.

The result of the election of delegates in the month of October, having clearly indicated the indignation of the people of Maryland, in relation to the conduct of the recusant Electors. It was confidently hoped that a sufficient number of them to elect a Senate would enter the College. But the Presidential election, upon which their whole movement seems to have been designed to operate, had not yet taken place. The annexed cards of Messrs. Duvall and Linthicum, show the pertinacity with which the seceding Electors adhered to their original purpose.

### TO THE PUBLIC.

I had hoped that nothing would occur to make it necessary for me to appear again before the public. In the address of the nineteen Electors which I signed, it is announced to the people of Maryland, that not one of them would participate in the formation of a Senate. The reason for that determination are succinctly given in that paper. They were understood by me when I signed it—they were sanctioned by me then—they are adhered to now, and at no time since that publication was first made, have I by act or word justified a belief that I could change the position then assumed; on the contrary, I have uniformly declared before and since the last election, that I had deliberately formed the opinion expressed in the address, and had solemnly determined to act in accordance with it. Notwithstanding this unequivocal and undisguised course on my part, some busy bodies who appear to think they know better than I do myself what I propose to do, have continued to circulate the report that I intend to go to Annapolis, and afford an opportunity to the gentlemen there assembled, to form a Senate. It appears to me to be a duty that I owe to the people of the whole State, to put to rest at once, and I hope forever, this idle, mischievous, and unfounded rumour. For that purpose, I now publicly declare that I do not intend to change the ground assumed by me, as one of the Nineteen Electors. It was not taken without full reflection, and subsequent observation has served to satisfy me that by the course we have pursued, and by it alone, can the people of Maryland be speedily and peaceably

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restored to the enjoyment of 64 their inalienable rights and privileges. The issue of the last election, alone, ought to satisfy every reasonable and unprejudiced man that a Convention ought to assemble to revise and amend the Constitution of this State. The election was in some degree a trial of strength between two great political parties. By one of them twenty, and by the other sixty members of the House of Delegates, have been chosen, and by an examination of the returns of the election, it appears that the twenty Delegates elected by one party, represent about 176,000 of free white inhabitants of the State, and sixty Delegates have been chosen by about 113,000 free white inhabitants.

If there then was no other defect in the constitution but that which produces such a gross inequality as this, in the power possessed by the people to vote for those who are to levy taxes—to participate in the passage of all laws, and in the formation of the executive and judicial departments of the government, the constitution of Maryland would be utterly unworthy of the age. But the unjust apportionment of representatives to the House of Delegates is not the only objection felt by me, and entertained by those who are my constituents, to the present State constitution. I desire to see all life estates abolished, and a less tyrannical, and more economical judiciary establishment created. I desire to see power given to the people to elect their own Government, Senators, and county officers, and hope the day is not far distant when Marylanders will enjoy like privileges, in the choice of those who make and administer the laws, to those that are now enjoyed by the people of nearly every state in the Union. I know that great pains are taking by many men to inflame the public mind and intimidate the friends of a convention. These artifices for that purpose have had, and shall have, no influence on my determination. I know the present constitution was formed by a convention of delegates chosen by the people.—If the people of Maryland, in the midst of revolution, could calmly assemble by their representatives, and form a constitution, in the name of common sense, why cannot we do so now. We are at peace with the whole world, and have no cause to apprehend that we shall not continue at peace with one another. And if so, with the advantage of experience under our own constitution, and with opportunities to observe the action of

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governments all around us, such as the people of Maryland appear to desire, why may we not peaceably, speedily and harmoniously proceed to do justice to all parts of the State, by forming a constitution well calculated to protect and foster all of its various interests.

The population of the State appears to be willing to make an honorable compromise with the counties, by giving to each of them, without regard to the numbers of their inhabitants, the right to elect a Senator, and there can be no good reason why the representatives of the counties should not in return give to the population a small increase of the number of its representatives in the House of Delegates. All good and permanent governments are formed in compromise, and I have no reason to fear that the people of Montgomery, in the midst of whom I was born and have ever lived, will disapprove of the course which I have adopted, since it is calculated to afford an opportunity to the whole people of the State to meet in convention, and there by a spirit of magnanimity worthy of freemen, lay the foundations of a government, republican in its character and impartial in its dispensations of benefits and burdens to the whole people, for whose good and happiness it 65 is to be treated. The political panic makers may, for a time, stagger and alarm the timid.—But there will be such a re-action as will carry dismay to the hearts of those desperate men, who, for mere party purposes, are now jeopardizing the peace and good order of society, by circulating the most disgraceful and unfounded falsehoods.

To the people of Montgomery, by whom I was elected, I beg leave to tender now publicly my heartfelt gratitude for their generous and prompt approbation of my course, and to invite them to unite with the Republicans of other portions of Maryland, in that spirit which did honor to, and immortalized the patriots of seventy-six, in the good and just work of establishing peaceably and soberly a form of government worthy of the descendants of Chase, Carroll and Paca.

I am, very respectfully, your fellow citizen, WASHINGTON DUVALL.

TO THE PUBLIC.

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I perceive, that some of the newspapers continue to insist, that I am about to go to Annapolis, and unite with the twenty-one electors in the election of a State Senate. Nothing that I have said justifies such statements. After I returned from Annapolis, having signed the address to the people of Maryland, with eighteen other Electors, I said publicly that I would not go again to Annapolis to elect a Senate, unless instructed to do so, by a majority of those who had elected me; and that I would not, even if such instruction were given, assist to make a Senate, until I was first fully satisfied that the other eighteen gentlemen, who have signed the address with me, could justly say that I had fulfilled all the engagements into which I have entered with them.—Several weeks have passed since I made these public declarations, and no such instructions have been given to me; neither do I believe that any considerable portion of my political friends wish me to go again to Annapolis as an Elector of Senate. This being the case, I desire to say distinctly, that I have neither heard nor seen any thing to make me change the opinions expressed in the address to the people of Maryland; nor have I any intention whatever, to change the position taken by me in that address. This statement is given in the hope that it will assist to quiet the excitement, which unfortunately, and without good cause, prevails. The people of Maryland, when once well satisfied that they have the power to amend the old Constitution of the State, or form a new one, by choosing Delegates to a Convention, will proceed, I have no doubt, to elect their delegates to a Convention for that purpose. And I am equally confident that my friends and neighbors of Anne Arundel County, of all political parties, have too much good sense and love of country, to refuse to meet the people of other counties of the State, to arrange all other public affairs, so as to produce general content and prosperity. It is proposed that each county shall send an equal number of Delegates to the Convention, and in such a body, no man ought to doubt, that all parts of the State, will find complete protection for all kinds of property, and all possible public and private interests.

I am, very respectfully, your obedient servant, WESLEY LINTHICUM.

*Baltimore, Oct. 11 th, 1836. 9*

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About this time, John S. Sellman, Esq., one of the Recusant Electors bowed to the will of a majority of the people clearly expressed at the October elections, and entered the College.

The next object which arrested public attention was a letter from the venerable Richard T. Earle, late one of the Judges of the Court of Appeals, but now a private citizen, who stepped forward in this crisis to address his countrymen with the solicitude of a father for his children. We extract from the Centreville Times a copy of his letter.

#### TO THE PEOPLE OF QUEEN ANN'S COUNTY.

More than twenty-five years have passed away, since I was actively engaged in party politics, and I am persuaded you will credit me when I declare, I now step forward, earnestly to oppose the election by the Van Burenites of a Provisional Convention, solely, because I believe in my conscience, it will prove a measure destructive to the peace and happiness of our country. Making this declaration, I solicit the attention of all to the opinion and short admonition I venture with diffidence to submit to you for reflection.

The late attack upon your constitution by the nineteen recusant electors, has embarrassed its proceedings, but has not subverted or overturned the venerable structure. I announce this as my decided opinion, and it has the concurrence of most of the judicious in the State, and it is thought, of both parties, and the support of able civilians and jurists in other States of the Union. Your constitution then citizens, be it known to every one, is in active operation, and after this year will be administered by the constituted authorities as usual: and so long as the vital operative principle continues, the exercise of its powers by any man or body of men, in derogation of its authority, will be considered rank usurpation, and if backed by violence must be deemed treachery: and rebellion. If this is so, and none can deny it, beware citizens of Queen Ann's county, how you countenance the attempt

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about to be made, at the instigation of the Nineteen, to choose conventionists to repair to the seat of government, and extend the authority of the civil and military officers now in commission, pretendedly to protect personal rights and preserve the peace of the public. Be assured they are safe in the hand of the legal authorities, and will be endangered only by the lawless intrusions of the Provisional Constitution.

The attempt to elect a convention for the purpose avowed in the Manifesto of the Nineteen, I most seriously and sincerely believe, is replete with dangers to the community; and its being made in the name of a portion of your citizens, will not change its objectionable character or shield it with innocence. In reality it will be the incendiary work of the Fredericktown Dictator and some restless spirits that we are told surround him, prostituting party name to aggrandize and elevate themselves to power.

Again I repeat, citizens of Queen Ann's county, beware how you give countenance to this unauthorised and irregular procedure. You may thereby incautiously involve your country in difficulties, the extent of which no human intelligence can foresee. Be content I entreat you, with peace and quietness; put beyond hazard your constitution, and heed not the artful counsels of insidious politicians, who have more love for themselves than 67 the people—trust not to the uncertain issue of revolutionary measures prompted by them.

That the Constitution we have venerated for more than fifty years, needs reform in some of its provisions, to adapt it to the altered situation of the inhabitants, is a sentiment common to us all. Let it be brought about, however, by gentle and peaceable means, and without the agitation and commotions, ever attendant on revolutions. The reform can be made under the 59th article of the constitution as many important amendments have before been made, or can be effected by a Legislative call of a Convention, if the citizens are resolved on having a Convention. It seems understood that either mode of reform will be adopted at the next session of the Legislature if asked for by the united voice of the people of the State.

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In conclusion, I beseech you, citizens of Queen Ann's county, to be on your guard against giving your support to the wild schemes of ambitious men. Believe me, there is great risk in trusting them.

Your faithful and obedient serv't, RICHARD T. EARLE.

*Queen Ann's County, October 29.*

Our readers are now prepared to judge of the merits of the Governor's Proclamation, which is set forth without one word of comment.

IMPORTANT FROM ANNAPOLIS.

The following important document—the Proclamation of the Executive of Maryland, convoking the General Assembly of the State on the 21st instant—reached us by yesterday's mail from Annapolis.

*By His Excellency, THOS. W. VEAZEY, Governor of Maryland.*

A PROCLAMATION.

WHEREAS, by the Constitution of this State, and with the view, as well of perpetuating an essential branch of the Legislative Department of the government, as of providing for such changes in the members thereof, periodically, as the people might desire to make, it was provided that the people of the several counties, and of the cities of Baltimore and Annapolis, duly qualified as electors, should, on the first Monday of September last, elect two persons for each of the said counties, and one person for each of the said cities, to be electors of the Senate, who were required to meet in the city of Annapolis on the third Monday of said month; and they, or any twenty-four of them, so met, were directed, after having qualified in the manner provided for, to proceed to elect fifteen Senators, who,



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when so elected, and duly qualified as such, were to constitute “the Senate of Maryland,” in the place of those who then constituted that branch of the General Assembly.

AND WHEREAS, eighteen of the persons who were chosen electors, in pursuance of the aforesaid provisions of the constitution, and in conformity to law, have failed to perform the duty enjoined upon them as aforesaid, by refusing, and continuing to refuse, or neglect, to meet the other electors who have attended, qualified and held themselves in readiness to perform their duty, in consequence whereof no new Senate has yet been elected.

AND WHEREAS, the said unfaithful agents of the people, in addition to their violation of duty as aforesaid, seem vainly to have imagined that the effect of their conduct would be the destruction and overthrow of the Constitution and Government of the State, which many, if not all of them, had heretofore sworn to support; and accordingly, presumptuously proceeded to recommend measures for substituting another Constitution and Government for that which they seem to have supposed they had destroyed, or, at least, mortally wounded.

AND WHEREAS, sundry evil disposed, or misguided citizens have taken, and are continuing to pursue and prosecute measures in accordance with said recommendation, and designed to carry out and consummate the disorderly designs and purposes aforesaid.

AND WHEREAS, these unprecedented, unconstitutional, disorderly and revolutionary occurrences and proceedings, although wholly inefficient to accomplish any of the avowed objects of those engaged in them are fraught with incalculable evils and mischiefs, and *must*, if persisted in, and sustained by any considerable portion of the people, greatly disturb the tranquillity and repose of the State—impair her credit and resources—blight her lately brilliant prospects of increasing prosperity, and finally involve us in all the horrors and unspeakable calamities of anarchy, intestine commotion and CIVIL WAR, and therefore demand from the Executive the adoption of such Constitutional and legal

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measures as may seem to them best adapted to the quiet of the public mind, which has thus been wantonly disturbed; to defeat the unholy designs and purposes aforesaid, and maintain and support the Constitution and authority of the Government, by all the means and powers with which they are entrusted.

ANE WHEREAS, we are well advised, and entirely satisfied, that the aforesaid unfaithful “Trustees of the public,” and their abettors, have as entirely mistaken their power of destroying the Constitution and Government of the State, as they have clearly violated a solemn duty—that the Constitution and Government yet exist in all their integrity and power—that the Senate elected in September, 1831, continue to be “the Senate of Maryland,” and will so continue until superseded by the election of successors, as constitutionally and lawfully provided for, and with the House of Delegates elected in October last, now constitute “the General Assembly” of this State.

NOW, THEREFORE, I, THOMAS W. VEAZEY, Governor of the State of Maryland, with the advice of the Council, and in virtue of the authority vested in me by the Constitution, deeming it proper and necessary, in the present crisis of our affairs, that the General Assembly should be convened before the time fixed for the next annual Session, to which it stands adjourned, DO HEREBY APPOINT AND PROCLAIM MONDAY, the 21st of NOVEMBER, Instant, as the time of the next meeting of the General Assembly, and call upon and require the several Senators and Delegates to attend at the Seat of Government, on that day, to take into consideration the present condition of our public affairs, and adopt such measures as to them may seem meet and expedient in relation thereto, and for the transaction of such other business as the welfare of the State may require.

And I do furthermore declare and proclaim, to all whom it doth or may concern, that, as Chief Magistrate of the State, I shall exert to the utmost all the powers which have been, or may be, vested in me by the Constitution 69 and Laws, and which it may become necessary to employ, to curb the spirit of anarchy, disorder and revolution, manifested by

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the aforesaid conduct and proceedings, and to support the Constitution, and enforce the Laws upon all offenders against her majesty, who shall proceed, by OVERT ACTS, either of resistance to the constituted authorities of the State, or of carrying out or consummating the revolutionary designs and purposes of the aforesaid recusants and their abettors; and I do hereby require and enjoin all civil officers of the State to be vigilant in the performance of their several and respective duties, at this important crisis; and upon all military officers and citizens to hold themselves in readiness, in case their services may become necessary in aid of the civil authorities, to maintain the public peace, repress disorder, uphold the Constitution, or enforce the Laws; and, finally, with humble supplication for, and reliance upon Divine Providence for direction and aid, and also with the firmest reliance upon the people of the State, to support, and, if necessary, enforce the declaration, I do solemnly DECLARE AND PROCLAIM that the Constitution of the State MUST BE PRESERVED, and the Government maintained, *as they now are*, until “altered, changed or abolished,” in the manner Constitutionally provided for.

Given under my hand and the Great Seal of the State of Maryland, at the City of Annapolis, this eighth day of November, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States the sixty-first.

THOMAS W. VEAZEY.

By the Governor, THOMAS CULBRETH, *Clerk of the Council*.

The subjoined publications will afford some proof of the manner in which the proclamation of the Governor was responded to by a portion of the people of Maryland.

The Marlboro' (Prince George's county) Gazette, contains the following call from Major Contee in response to the proclamation of the State Executive, enjoining it upon all good citizens and officers, civil and military, to hold themselves in readiness to assist, if need be,

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in maintaining the authority of the Laws, and the integrity of the Government, against all comers:

Pleasant Prospect, *November 14*, 1836.

*Fellow Soldiers.* —The Governor of Maryland in his proclamation of the 8th instant, (after calling upon the civil officers, “call upon the military officers and citizens to hold themselves in readiness,” &c.) Under this clause, I, as Major of the 2d Cavalry district call upon you, as good and true lovers of your country, to meet at the Court House in Upper Marlboro', on Saturday next, the 19th instant, at 11 o'clock, A. M. to organize as volunteers, and join with me, and offer our services to the Executive in case of necessity, in the present critical period of our beloved State.

JOHN CONTEE, *Major of Cavalry.*

Upper Marlboro ', *November 19 th.*

At a meeting of a number of citizens of Prince George's county, held at 70 the Court House this day, in pursuance of a call made by Maj. John Contee—Robert W. Bowie, Esq. was called to the Chair and Edward W. Belt appointed Secretary.

Major Contee stated the object of the meeting in the following address:

“Under a duty, my fellow-citizens, incumbent upon me as a military officer, and one who has sworn to support the Constitution of Maryland, I have called this meeting for the purpose avowed in the notice, “to organize as volunteers and join with me and offer our services to the Executive in case of necessity.” I wish it clearly and distinctly understood that I am no party man, and this is no party meeting; for, I trust, we all unite in the sentiment of the gallant Decatur, “Our country, may she be always right, but, right or wrong, our country.” We are met to aid in the support of the Constitution of one of the old thirteen United States, the Constitution of Maryland, which “must be preserved,”

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“peaceably if we can, forcibly if we must,” and, believing that the most certain way to preserve our rights is to be prepared to defend them, I call upon you by all that is dear and sacred to human nature, to enroll your names with mine and offer our services to the Executive, if necessary, (which may God avert,) in the present awful situation of our happy State, and therefore submit for your signatures the following paper, which I move be read by the Secretary, and those who coincide, sign it forthwith.”

“The undersigned, fully concurring in the proclamation of the Governor of Maryland on the 8th inst., do hereby volunteer their services to the Executive, under the name of “The Planters' Guards,”—and under their constitution, rules, regulations, and by-laws, (except uniform,) subject however to revision, alteration and amendment by the majority.”

Wm. H. Tuck, Esq. seconded, and together with Walter W. W. Bowie, Esq. each, in a short but eloquent address, supported the proposition offered by Major Contee.

The subscription paper being then submitted to the meeting, forty-five gentlemen immediately signed their names thereto, and proceeded to elect officers by ballot, when

JOHN CONTEE, Esq. was unanimously elected Captain.

THOMAS F. BOWIE, Esq. First Lieutenant.

JOHN C. GRAHAM, Esq. Second Lieutenant.

RICHARD WEST, Jr. Esq. Cornet, and

Mr. ELIS. BALDWIN, Orderly Sergeant.

On motion it was *Resolved unanimously*, That we will with our lives and fortunes support the existing Government of Maryland against any violence that may be attempted, and we tender to the Executive our services whenever they may be called for.

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*Resolved further*, That the Chairman of this meeting be requested to forward these proceedings to His Excellency the Governor, and to request of him that if any requisition be made, it will be done through the Captain elect.

*Resolved*, That the proceedings of this meeting, signed by the Chairman and Secretary, be published in the Marlboro' Gazette and Maryland Republican.

ROBERT W. BOWIE, *Chairman*.

Ed. W. Belt, *Secretary*.

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Scourged by the resistless will of the people, one of the seceding Electors, Mr. Linthicum, notwithstanding his former publication, at length relented, and published the following invitation to his nineteen coadjutors:—

Elk Ridge, *November 12 th*, 1836.

*To Messrs. McGill, Wason, Quynn, Fisher, Ellicott, Bell, Vansant, Harwood, Hope, Sutton, Keene, Fountain, Evans, G. A. Thomas, Duvall, B. Thomas and George.*

*Gentlemen*: —Believing that the course we adopted in seceding from the Electoral College was expressive of the wishes of a majority of the People of Maryland, but not having been sustained by that majority, and being at all times willing to submit to the will of the people, I have determined to obey this will as expressed by the votes of the November election, and shall repair to Annapolis on Friday the 18th inst., and on the 19th qualify as an Elector of the Senate; and I invite you to meet me there, for the purpose of joining in making a quorum.

I am, with much respect, your obed't serv't, WESLEY LINTHICUM.

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Responding to this invitation, five of the nineteen Recusant electors (the precise number which was originally instructed not to enter) did enter the College, and a Senate was formed. In consequence of the election of a new Senate, the former Senate did not meet in pursuance of the Governor's proclamation. The following message, however, was addressed to the Legislature:

### GOVERNOR'S MESSAGE.

*Gentlemen of the Senate, And of the House of Delegates:*

The extraordinary occurrences which, in our judgment, rendered it proper and necessary that you should meet in General Assembly at this time, having been briefly detailed in the Proclamation calling you together, a copy of which is herewith submitted, we proceed to state to you, more at large, the views by which we were influenced, and the objects sought to be accomplished by calling for the exertion of your authority, in the unprecedented crisis in our affairs, so faithlessly and wantonly brought about.

It was with deep regret, that we felt ourselves called upon to expose to the world conduct of Marylanders, so utterly unworthy of the name, and so little to have been expected of descendants from, and partakers in the honor and name of ancestors of such unsullied purity and glorious memory, as every Son of the State should be proud of and strive to emulate. But, after waiting in vain, with painful anxiety and deep solicitude, in hopes that a returning sense of duty, moral and political, would cause at least a sufficient number of the recusant electors to attend the College, and with those who had qualified, elect a Senate, until after the last of the exciting elections of the season was over, but not until its result was ascertained, when there could be no suspicion of partizan design or political motive for our action, we felt that we could no longer forbear, in duty to the people of the State and justice to ourselves, to take a firm and determined stand in support of the Constitution and authority of the Government, against the designs and proceedings intended to effect their overthrow.

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It is believed that the annals of party contention, and political errors and aberrations from duty, to which all party spirit naturally tends, would be searched in vain for a case of such plain and palpable violation of Constitutional duty and moral obligation, as the conduct of the recusant Electors of the Senate of Maryland exhibits; and although all who have approved of their unholy designs, and lent their aid and assistance to carry them into effect, have been guilty of gross dereliction and violation of the duty of good citizens, it is only those who counselled, beguiled and misled them to the course they pursued, that equal them in degree of guilt.

A painful sense of duty having required of us to denounce the conduct of the recusant electors and their abettors, in terms suited to the nature and design of their offences, it is with the greatest satisfaction that we turn from them to do justice to the patriotic and noble conduct of many of their political partizans. In some parts of the State, and particularly in Alleghany county, the party to which they belong, almost with one voice condemned, and from the first, reprobated their conduct, with as much severity as their political opponents have done; and we believe this has been the case with a very respectable portion of their political friends in every part of the State.

Such patriotic conduct, breaking and rising above all party trammels, when the constitution and government—the tranquility and welfare of the State were endangered, merits all praise, and meets our unqualified admiration. And we have great gratification in expressing the highest confidence, inspired by manifestations and evidences in every quarter of the State, that when the recent excitements shall have passed away, and reason shall have triumphed over the madness of party, and resumed her empire, the number even of the political partizans of the recusant electors, who will continue to countenance and support them in their delinquency and Revolutionary designs and proceedings, will be comparatively very few, and be confined to such of their prominent counsellors and principal abettors as will have no hope of re-establishing themselves in the good opinion and confidence of the community. We will not allow ourselves to doubt,



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that even among the recusants themselves, there will be found some, whose honesty and patriotism will finally triumph over their misguided passions, and cause them to look back upon their late conduct with mingled astonishment and shame, and the most profound abhorrence of the evil advisers by whom they have been led astray.

As soon as the recusant electors had taken their course, it became the duty of the Executive, and indeed of all good citizens, to inform themselves of the constitutional and best means of defeating their designs and supporting the constitution and government, and providing a remedy for their dereliction of duty. Upon examination of the constitution and form of government with this view, we found cause of increased admiration of the wisdom and forecast of the patriotic and eminent statesmen by whom it was framed. We found that they had not left it in the power of any unfaithful agents of the people, to destroy this work of their wise heads and pure hearts. They provided that “the General Assembly of Maryland” should consist of a Senate 73 and House of Delegates, and for periodical elections of the members of each branch without otherwise limiting the term of service of either. But although they had the forecast so to frame the provisions in relation to the elections of members of the Senate and House of Delegates, as to guard against the effect of improper conduct or omissions of unfaithful agents, being to leave the State without a General Assembly, by leaving the term of service of the members of each House unlimited, otherwise than by the election of successors, yet it is manifest that they intended the people should have the power and means, and expected they would be exercised, of terminating the service of the members of the Senate every fifth year, and of the members of the House of Delegates every year. It was in this view, undoubtedly, that they provided for elections to fill vacancies in the Senate, “for the residue of the said term of five years.”

If any support were necessary to this plain view of the provisions of the constitution, it is abundantly supplied by numerous judicial authorities and decisions, both English and American, in cases directly in point, in *Foote, vs. Prowse, mayor of the town of Truro, reported in Strange, page 625*, “it was held, that the words, *annuatim eligende* (to be chosen annually,) were only directory, and that an annual election of them was not

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necessary to make an election in their presence good; and King, C. J. who delivered the opinion of the court, compared it to the case of constables and other *annual officers, who are good officers after the year is out, until another is elected and sworn.* " In this case, the charter of the town directed, that the election of Aldermen should be made annually, and that the election of Mayor should be held in the presence of the Aldermen. The Aldermen, in whose presence *Prowse* had been elected Mayor, had not been elected annually, but held their offices of Aldermen in virtue of an election held some years before. *Prowse's* election was held to be valid. To the same effect, substantially are the following decisions, viz: Hicks, vs. Town of Launceston, 1 Roller's Abridgement, page 513. Queen, vs. The Corporation of Durham, 10th Modern Reports, page 146. Smith, vs. Smith, 3d Equity Reports of South Carolina, and the People, vs. Runkles, 9th Johnson's New York Reports, page 147, in which all the other cases here mentioned, and several Text Books, are cited as authorities.

The continuance of the Senate, until superceded by the election of successors being thus settled in our minds beyond a doubt, we should at once have called the General Assembly together, with a view of their making provision for the election of other electors in the place of those who had refused and neglected to attend the College and perform their duty, but for the additional excitement and misconstruction of motive, which we apprehended would be produced in the public mind by such a step, during the pendency of the recent election of electors of President and Vice-President of the United States—and we determined to call the General Assembly for that purpose, immediately after that election should be over, without regard to, or intention to be influenced in the least by, what might be the result of that election.

Considering that the spirit of the Constitution, and the plain intent of its framers require that the term of Senators shall be terminated by the election of successors every five years, or as soon thereafter as circumstances may admit of; our first object in convening the General Assembly was, that they 10 74 might pass a law providing for the election of Electors of the Senate, in the place of those who had refused or neglected to attend

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the College and perform their duty. That the General Assembly have the authority to provide by law for a new election in such a case, is a proposition so clear of rational doubt, that, but for the lawless and anarchical spirit of the day, which calls in question the most venerable and best settled doctrines of Constitutional law, and embraces in their stead the most wild and monstrous absurdities, no argument or authority would be necessary or even proper to sustain it. Even if the original constitutional provision on the subject remained entire and unchanged, the power to provide for the election in such a case, would be ample; but all such parts of that Constitutional provision, as relates to the *judges, time, place* and *manner* of holding elections, having been abolished at the November Sessions 1798 and 1799, and left thereafter to be regulated by law, it would seem impossible that doubt could be raised on the subject. Yet being aware that the authority of the General Assembly in this respect, has been not only questioned but strenuously denied, we deem it proper to refer to a few conclusive authorities in support of it.

That eminent jurist, James Kent, late Chancellor of New York, in the 2d volume of his commentaries, says—that “the power of election, or the supplying of members in the room of such as are removed by death or *otherwise*, is said to be a power incident to, and necessarily implied in every aggregate corporation, from the principle of self preservation,” that “it was decided in the case of *Newling, vs. Francis*, 3d Term Reports, 189,” that “when the mode of electing corporate officers, was not regulated by charter or prescription, the corporation might make by-laws to regulate the election, provided they did not infringe the charter.” And he refers to various other authorities in support of his position. Such power being “an incident to, and necessarily implied in every aggregate corporation” how can it be doubted that the Legislative authority, which grant charters of incorporation, possess at least equal powers of “self preservation.”

That there is no existing legal provision for an election to supply the vacancies in the Senatorial Electoral College, it is presumed, is for the same reason, that the punishment of the crime of Parricide, when first committed in the Athenian Commonwealth, was found to

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be unprovided for: because it had never entered into the conceptions of the Framers of the Constitution or Laws, that such a provision was, or would become necessary.

A sufficient number of the recusant Electors having, since the issuing of our Proclamation and before the day assigned for the meeting of the General Assembly, attended the Electoral College, qualified and joined with those faithful electors who had from the first been ready to perform their duty, and a new Senate having been elected, it will now only be necessary, in reference to the conduct of the recusants and their abettors, to provide appropriate remedies to meet any further like conduct or occurrences. And for this purpose, we respectfully recommend an amendment of our election laws, providing for new elections to fill any vacancies which may occur in any future electoral college, by death or resignation, or by refusal or neglect to attend and qualify within a specified time; and we also recommend an amendment of our criminal laws, providing for suitable and adequate punishment of any agents of the people who may hereafter solicit and receive, or accept of any public trust, and refuse or wilfully neglect to perform the duties enjoined by the Constitution or Laws.

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Supposing that you will concur with us in the opinion, that at this extraordinary session your attention and labors ought to be confined to the special objects of calling you together, and such other business of importance as the welfare of the State requires to be acted upon without delay, we shall forbear to call to your notice or attention any other subjects of interest to the State. Among these, we esteem the passage of such laws as you may deem necessary and proper for suppressing all revolutionary designs and proceedings; for the better support of the constitution and government, and for bringing to justice and deserved punishment their future violators. As the constitution provides that no part thereof shall be altered, changed or abolished, unless a bill so to alter, change or abolish the same shall pass the General Assembly, and be published at least three months before a new election, and shall be confirmed by the General Assembly after a new election of delegates, in the *first session* after such new election; and as several

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bills for alterations of the constitution were passed by the last General Assembly, it is necessary to their confirmation as a part of the constitution, that you should act upon them at the present session.

And as the Act of Congress, providing for the deposit with the States of the Surplus Revenue of the United States, requires that legal provision shall be made by each State for receiving her proportion thereof, and giving the required obligation for its return when legally called for, before receiving any part of said surplus, and as the distribution is to commence on, or soon after the first day of January next, we recommend the passage of a law in conformity to the requirements of the Act of Congress: a copy of which, with a circular from the Secretary of the Treasury of the United States, we herewith submit for your consideration.

Reform of the Constitution having been held forth by the recusant Electors as their *ostensible* object in the course of conduct pursued by them and their abettors, our views upon that subject are perhaps justly and properly expected:

In an address to the people of the State, the recusant Electors undertook to defend their attempt to subvert the Constitution by Revolutionary means, upon the unfounded assumption that all hope of adequate amendment, or, in the cant, various meaning, and undefined phrase of the day— *Reform*, by the Constitutional method, are vain and illusory; and they quoted, with a view to support their assumption of right to pursue the course they had adopted and recommended to their coadjutors, from our Bill of Rights, the unquestionable truth, “that, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new Government. But they omitted all attempt to show that these circumstances had occurred, or, that they were the people, or even the Representatives of any part of them, *for such a purpose*.

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What are the *ends of Government*? The security of life, liberty and property, may be the brief but comprehensive answer; and we state with honest pride and in the fullest confidence, that in no community have these *ends* been more effectually provided for, or more amply enjoyed, and that an instance cannot be cited from our history, under the constitution, in which any of them have been violated, by color of law. "When public liberty is manifestly endangered?" As it is notoriously felt by all, so it needs no argument 76 to prove, that public liberty has never been endangered, or even threatened here, save by the rash or misguided men, and their abettors, whose conduct is now under review. But were it otherwise, and had these events occurred, can it be said, with the least semblance of truth, "that all other means of redress" have been tried and found "ineffectual?" No other Constitution or form of Government has provided more amply for its amendment, or a mode more ready, easy, safe and judicious for that purpose than ours; nor has there ever occurred, since its adoption, a time when the assumption or assertion that there is no hope of reform under it, was so evidently untrue, as at the present.

In the lapse of sixty years, the position of society has materially varied, so that the provisions of the Constitution are less perfect in theory, and less adapted to ideas of right, and to the present condition, wishes, and interests of the people, than at the time of its establishment. There are several parts of the instrument, which it is generally believed might be beneficially changed. The establishment of a different basis and apportionment of representation is required by a just regard to the rights, interests and wishes of the people of the more populous sections of the State, and there is every reason to believe that such a change, in this respect, as ought to satisfy the large and populous sections, and can be safely conceded by the smaller and less populous, can and will be obtained in the Constitutional manner, and with general consent. The comparative inequality of the representation of different sections of the State, with reference to population, taxation and business, has been pressed upon the attention of the people and the Legislature for several years past, and, as evidence of the impression which had been made in favor of conceding to the more populous sections, an increase of representation and political

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power, or, in other words, of the advance of the principal cause of reform, the General Assembly, at the last annual Session, and but just before it has been so boldly, but untruly asserted or assumed, that all hope of obtaining reform in the Constitutional mode, was vain and illusory, passed two bills, such as had frequently before been rejected, which, when confirmed, will give an increase of six Representatives to the *most populous* sections:—two to the City of Baltimore, and four to the people who now compose the Counties of Baltimore and Frederick!!

Can any sane mind believe, under these circumstances, that the *real*, and *main object* of the recusant Electors and their abettors, in the course they have pursued, was reform in the Constitution? But one answer, in substance and truth, can be given to this question. It is as manifest that the *ostensible* was not the *real* and *main object*, as that the assumptions upon which their measures were predicated, were, and are utterly destitute of foundation, untrue, and have been disproved by unquestionable facts.

We feel warranted by the facts which we have stated, and by the evidences of public sentiment in every quarter of the State, in expressing the fullest confidence, that whenever, and in whatever peaceable and orderly manner, the people of the State shall have clearly indicated the *kind* and *extent* of further just, reasonable and proper amendments desired by them, that their wishes will be carried into effect, in the regular manner, and with as little delay as a just and prudent consideration of, and the necessary action upon them, will admit of.

As a change in the basis of representation, is the great question of reform 77 most generally desired and justly insisted upon, we beg leave to suggest for consideration, as a fair compromise of the conflicting views and interests in relation to the nature and proper extent of such change, and as suited to our condition and local circumstances, that our Constitution, in this respect, be altered so as to conform, as nearly as our circumstances will justify, to that of the United States: that the representation in the House of Delegates be based on population of Federal numbers, limited however, by a maximum for the larger

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counties, and the City of Baltimore, and by a minimum for the smaller counties and the City of Annapolis, and that a Senator be allowed to each county, and the City of Baltimore. And lastly,

*Gentlemen of the House of Delegates:*

It is with you to consider the necessity or expediency of exerting the powers with which you are clothed by the constitution, "as the grand inquest of the State, to enquire into the complaints, grievances and offences," which have occasioned you to be called together.

With humble supplications to Divine Providence, that all our labors may be directed and controlled by virtue and wisdom, and result in the promotion of the welfare and prosperity of the State,

We remain, with the highest consideration and respect,

Your obedient servants, THOMAS W. VEAZEY.

The Electoral College having been formed, the following Senators were elected:

LEVI HILLEARY, *of Allegany county.*

RICHARD J. BOWIE, *of Montgomery county.*

JOHN V. L. McMAHON, *of Baltimore city.*

RICHARD THOMAS, *of St. Mary's county.*

JOHN BECKETT, *of Calvert county.*

WILLIAM SCHLEY, *of Frederick county.*

ROBERT W. KENT, *of Anne Arundel county.*



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WILLIAM PRICE, *of Washington county.*

ELIAS BROWN, *of Baltimore county.*

WILLIAM U. PURNELL, *of Worcester county.*

WILLIAM T. GOLDSBOROUGH, *of Dorchester county.*

THOMAS KING CARROLL, *of Somerset county.*

EDWARD N. HAMBLETON, *of Talbot county.*

JAMES B. RICAUD, *of Kent county.*

THOMAS WRIGHT, (of Thos.) *of Queen Anne's county.*

Whether alarmed at the decided tone of the Governor's Proclamation, or at the organization of Major Contee's Dragoons, the delegates to the Reform Convention, elected in pursuance of the recommendation of the Nineteen to frame a provisional government for the State of Maryland, did not meet as in duty bound at the city of Annapolis. But imitating the example of their Nineteen putative progenitors, they failed to meet as required, and failed to create a new government, for the plain reason that the old one was in active operation.

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We feel it due, however, to this "HUMBUG CONVENTION" to publish to the world the Journal of their proceedings; one of the most precious records of human wisdom. In this document we are at a loss which most to admire, the contempt expressed for the constituted authorities of their native State, or the abuse of its existing institutions.

PROCEEDINGS OF THE REFORM CONVENTION.

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Baltimore, *Nov. 16 th*, 1836.

According to previous notice, the Delegates to the Reform Convention of Maryland assembled this day.

On motion of John S. Tyson, of Baltimore county, the following members were appointed to prepare and report to the Convention resolutions for its adoption:

John S. Tyson, Benjamin C. Howard, Francis Thomas, John A. Carter, Washington Hall, James W. Williams, George Cooke.

November 19 *th*, 1836.

The Chair, on behalf of the aforesaid Committee, reported the following resolutions, which was read and unanimously adopted:

*Resolved*, That the unexpected call on the part of the Executive upon the members elect of the House of Delegates, and of the old Senate to assemble at Annapolis, on Monday next, has rendered it expedient to postpone the meeting of the Reform Convention to a day when ample opportunity shall have been afforded to understand fully the reasons which have induced the Executive to adopt this extraordinary procedure, and to ascertain the results of their deliberation.

*Resolved*, That this convention repels proudly and indignantly the aspersions cast upon its members, and those whom they represent, in the late proclamation of Gov. Veazey, and regard its doctrines as unsound and dangerous—its language undignified, and its temper and spirit unbecoming the Executive of Maryland. The friends of Conventional Reform have not done or designed any thing inconsistent with their duties as peaceable citizens, or in violation of the laws of the State. They have proposed to adopt measures, solemnly sanctioned by the Bill of Rights of Maryland, to ascertain whether a majority of the people

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of the State desire a Convention assembled to devise and submit for their adoption that which they certainly do not enjoy, a republican form of Government.

*Resolved*, That the people of Maryland, like those of every other republican community, have the right to change the form of government which they have voluntarily adopted whenever it may appear to them expedient to do so, and of this inalienable right our ancestors neither did nor could deprive us.

*Resolved*, That this right should be exercised cautiously, temperately, and with great deliberation; but if a majority of the people of the State should determine, by solemn vote, to establish a new government, it would, by virtue of such sanction, become the regular and only government entitled to respect or obedience, and those who would refuse to obey it ought to be considered enemies of the public peace and order.

*Resolved*, That we believe that a majority of the people of Maryland desire to change the present constitution, by a direct vote, in favor of or 79 against a new one to be submitted to them by a Convention, and are unwilling to await the slow and uncertain action of the Legislature, the organization of that department of the Government being such as to preclude all reasonable hope of their redressing the grievances of which the people have so long complained.

*Resolved*, That, if the theory of those opposed to Conventional Reform be true, the people of Maryland are placed in an extraordinary position, differing wholly from our brethren in other states in the Union, who have the control over their constitution, and can fashion it to suit their interests, wishes, or even prejudices, whilst we are debarred from exercising the same power over ours, being compelled to live under the government of associated counties, having a confederacy instead of a Republican Government.

*Resolved*, That, if the theory of the Constitutional Reformers be true, that our ancestors had a right to transfer the power of altering the Constitution from the people to two Legislatures, they had also the right to ordain that there should be no alteration in any

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way whatsoever; a conclusion to which the intelligent freemen of Maryland can never be brought to assert.

*Resolved*, That we have no confidence in the opinion that the Legislature, if a new Senate had been chosen, would have gratified the known wishes of conventional reformers; neither do we believe that this will be done by the old Senate and the new House of Delegates. We anticipate that, at a day not far distant, these impressions will become general, if not universal, and with that expectation we think it will be expedient hereafter to open the polls again throughout the State, invite the people to clothe with the necessary power, a Convention, to submit to them a form of government for acceptance or rejection.

*Resolved*, That the essential difference between a Republic and a Monarchy consists in the power of the people in the former, peacefully to change the features of the Constitution, as well as the men who administer it; whereas, in a Monarchy, such a change must necessarily be accompanied with violence and civil war. Whatever, therefore, tends to create a resistance to the will of a majority of the people, who desire to change their mode of Government, must spring from some Anti-Republican quality in the Government which the people originally established.

*Resolved*, That the votes given for the delegates to this convention in some of the less populous counties of the State are especially encouraging, as they indicate that magnanimous sense of justice in the bosoms of generous and just Marylander, wherever located, which guided and governed those who framed the present constitution, and bids us hope that the day is now rapidly approaching when a convention of delegates from every county and city will be held fully empowered to harmonise all conflicting views and wishes which now prevail in the State, by some honorable compromise of the claims of the population and of the counties similar to that which clothed with immortal honor the labors of the Convention of 1789, in the formation of the existing constitution of the United States.

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*Resolved*, That a very large majority of the people are favorable to Conventional Reform, and would have manifested more fully than has been done this wish at the late election, but for the pendency of the Presidential election, 80 and the prevalent belief with a portion of the people that the Legislature would authorise a convention empowered to grant the Reform in the Constitution, imperiously required by every consideration of justice and propriety.

*Resolved*, That the friends of conventional reform desire a new Constitution to be submitted to the people for adoption or rejection, containing, among others, the following provisions:

- 1 *st*. The election of the Governor by the people, and the abolition of the Council.
- 2 *d*. The election of one Senator from each county and the city of Baltimore, directly by the people.
- 3 *d*. The re-apportionment of the House of Delegates so as to do justice to the populous Districts, and at the same time give to the small counties and the City of Annapolis ample power to protect their interest.
- 4 *th*. The abolition of all offices for life, the appointment of judges for a limited time, by the joint action of the Governor and Senate.
- 5 *th*. The election of Clerks and Registers by the people.
- 6 *th*. Limitation and restraint on the powers of the Legislature in the future grant of charters.
- 7 *th*. The whole Constitution to be so arranged and digested as to be free from uncertainty and obscurity.

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*Resolved*, That this Convention will meet at the City of Annapolis, on the first Monday of January next, unless otherwise notified by the president thereof, and that it is recommended earnestly and respectfully to the people of those portions of the State not represented herein to choose delegates in time to meet this Convention, when it shall again assemble.

*Resolved*, That the chair appoint a committee to prepare and publish an address to the people of Maryland, enforcing and explaining the views and opinions maintained in the foregoing resolutions, and that said committee be authorised to nominate a Central Reform Committee for the State.

*Resolved*, That the thanks of this Convention be presented to the Trades' Union for the use of their Hall.

*Resolved*, That the thanks of this Convention be presented to the President and Secretary for the dignified and able manner in which they have discharged their respective duties.

Signed,

C. S. SEWELL, *President*.

George Cooke, *Secretary*.

We have neither leisure nor inclination to expose the heresies of this paper. The Address of the Nineteen was intended as an apology for a breach of trust, an attempt at the subversion of the Government; while the above proceedings of the "HUMBUG CONVENTION" were designed as a decent cover to a disgraceful retreat, and as a justification to their constituents for having not only failed to erect that provisional government, for the establishment of which they were appointed, but for having in fact most sedulously avoided the vicinage of the City of Annapolis, where they had appointed, and were instructed to meet. Why not have frankly told their employers, that

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the Legislature, the GRAND INQUEST of the State was awaiting their arrival at Annapolis, where any OVERT ACT of rebellion might have been sharply visited.

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According to their theory the State of Maryland was without a legislative department, and the ancient establishment was broken down; yet, this Convention had not proceeded to half their journey's end, before the pains and penalties of this same government were suspended by a single hair over their guilty and devoted heads.

The subdued tone of this paper is worthy of observation. It earnestly asserts their innocence, in tender apprehension of the sharp sanctions of the law. It was indeed a timely retreat. “ *The friends of Conventional Reform,* ” they strenuously plead, “ *have not done or designed any thing inconsistent with their duties as peaceful citizens, or in violation of the laws of the State.* ” Now, if it were designed to extend the benefit of this plea to the Nineteen Recusant Electors, we cannot admit its validity. Their own Address furnishes conclusive proof of a deliberate and wilful breach of a high and solemn trust; and of a fixed purpose to subvert, by neglect of duty, one government, and by an extraordinary assumption of power to facilitate the erection of another on its ruins. If any proof were required of the supreme contempt with which the whole course of the Maryland Destructives and Anarchists was viewed in other States, we might transcribe a volume of foreign comment. But the annexed article from the New York Courier and Enquirer will be abundantly sufficient:

A correspondent of the Baltimore Chronicle makes himself merry over the poor abortion calling itself a Convention of the people of Maryland.—That body had *elected itself* for the august purpose of framing a new constitution for the State of Maryland. Fondly cherishing the idea that the recusant electors of a Senate had, by violating their oaths, plunged the Commonwealth into utter anarchy, it struck the demagogues that it was an excellent opportunity to disport a little “Jacobinism,” and they accordingly got up a project extempore for a Convention—not doubting but they might fabricate a Constitution for

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the good people of Maryland, and force it upon them some morning before breakfast, to their own utter astonishment. It so happened, however, that Governor Veazey, having the welfare of the State at heart, and not choosing to give it over to anarchy and confusion, issued his conservative proclamation; and the destructives, having consulted their nerves, and found them feebler than their propensity to “bide the buff” of a contest, they went into the Electoral College, and elected a Whig Senate, as they were bound to do—thus rendering the Revolutionary Convention about as operative as a bag of tin whistles against a Northeaster. The members of this Convention went provided, of course, with a Constitution apiece for the Republic, but as said Republic happens to have the article on hand, there is no sale, and according to the Baltimore papers, the *Manufacturers* are desirous of disposing of the commodity. There is no resort for them but an auction! Let them put up their goods to the highest bidder, if they would get rid of them at all. The Baltimore correspondent advises them, indeed, to send their constitutions to the South American market, where they adopt a constitution about once a week, and where they are too much hurried to read it; but our own opinion is that even the Mexicans would “beat down the price.” There is no chance for a saving except by vendue.— *N. Y. Cour. & Enq.*

But it is asserted that the Agitators in Maryland have not done or designed 11 82 any thing in violation of the laws of the State. The subjoined argument, extracted from the Herald, of Frederick, said to be from the pen of one of the first criminal lawyers in the county, deserves mature consideration:

### COMMUNICATION.

We would call the attention of our readers to the following argument:

### FOR THE HERALD.

A question has been agitated whether the conduct of the 18 Recusant Electors be cognizable by the criminal law. I hold the affirmative, and propose to prove it.



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The 15th section of the Constitution provides, “That the said Electors meet at the city of Annapolis, or such other place as shall be appointed for convening the Legislature, on the third Monday of September, 1781, and on the same day in every fifth year thereafter, and *they*, or any twenty-four of them, *so met, shall* proceed to elect, by ballot, either out of their own body, or the people at large, fifteen Senators, &c.”

The constitution is the supreme law, and the above recited section contains an express and peremptory command that “they, or any twenty-four of them, *so met, shall proceed to elect*, by ballot, &c.”

A crime or a misdemeanor is defined to be ‘an act committed, or omitted, in violation of a public law, either forbidding, or *commanding* it.’

This definition is in the 4th vol. of Blackstone's Commentaries, page 5, a book which is, or ought to be, in the hands of all who undertake to alter or to abolish constitutions, unless, indeed, the revolutionists mean to proceed as they did in France, without regard or reference to any law, either political, moral or divine.

Wherever a particular act is required to be done by any public officer, either by statute or the common law, charge and prove he neglected that duty and it is sufficient—per *Buller Justice*, 5 Term, Rep. 619.

“When a duty is thrown upon a body consisting of several persons, each is liable for a breach of duty, as well for acts of commission as for *omission*. ” 5 Term, Rep. 607.

The constitution has not confided any discretion to the Electors as to the *act* itself of voting. That duty is purely ministerial; it is a command directly and positively expressed, and in language too plain and strong to be misconstrued or resisted. “ *They, or any twenty-four of them, so met, shall proceed to elect by ballot.* ” They have a discretion, with certain

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restrictions as to age, residence, &c., in casting their vote, but as to the act itself of voting, they have no discretion whatever.

A wilful omission to execute a public law, by any tribunal, exclusively entrusted with that power, falls within the very terms of the definition to which I have referred, and the authorities above cited. It is even indictable in justices of the peace, *judicial officers*, to refuse to execute an act of the Legislature; and how much more so, in a tribunal, entrusted exclusively with the power, to refuse to execute a provision of the constitution, the supreme law of the land.

“By the statute 1 Geo. 1 ch. 13, sec. 11, it is enacted that any two justices of the peace *may* summon any person to take the oaths before them; (to wit, the oaths of allegiance;) and if they do not appear, then *on oath*, 83 of serving such summons, the justices are to certify the same to the quarter sessions, where if the party so summoned, does not appear to take the oaths, he shall stand convicted of recusancy. The defendants were two justices of the peace, and issued their summons accordingly; but coming afterwards to understand the party was a gentleman of fashion, and *not suspected* to be against the government; lest a transaction of this nature should be an imputation upon him, they *refused* to give the prosecutor his oath of the service of such summons, that the matter might go no further. And now upon motion against them for an information, (an extraordinary criminal proceeding,) the court declared that the justices *had no discretionary power to refuse* to put the act in execution, and therefore granted the information against them.” 1 Stra. 413; recognized and adopted 1 Chit. crim. law 874.

Again. “The mayor of *Totness*, being the mayor one year, was by the charter a justice of the Peace for the following year, *without whom the sessions could not be held*; and the court granted an information against him for a *voluntary* absence.” 1 Strange 21.

There is no escape from the conclusive tendency of these decisions.—Their force upon the point in question is invincible. Is it less a crime to refuse to put the supreme law in

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execution, than to refuse to put in execution a simple act of the Legislature? Is a voluntary absence from the Electoral College, a tribunal entrusted with a power of the whole people of a sovereign State, less criminal than a voluntary absence from the *Sessions*, a tribunal of petty and limited powers.

The office of Elector was created by the constitution: the eighteen recusants were its mere creatures; they received their appointment under it at their own instance and request, and, by consequence, were electors *de jure*. They met at Annapolis in compliance with its requirement; they took upon themselves thus far the execution of their office, and, by consequence, became Electors *de facto*. As electors they went further; they advanced propositions and sent communications to their brethren in the college; and even published a manifesto, as Electors, to the people of Maryland. It is idle, and can avail nothing to allege that, as they never took the oath, nor entered the college, they are not amenable to criminal justice. It is to allege their own delinquency in their vindication. They knew their powers and their duties, and considered their conduct as amounting to the destruction of the constitution, for they recommended a provisional government. They are, by their acts, estopped from such allegation. They took upon themselves a part, which in law is equivalent to a full acceptance. A man who acts as an officer, is estopped from alleging his want of a commission, or an irresponsibility in that capacity.

But I come directly to the point; I maintain that the commands of the constitution were upon them the moment they were elected. It became their duty to meet at the time and place appointed, to take the oath, and proceed to elect by ballot. There is no discretion granted as to these matters. A voluntary failure to perform any one of them is a several indictable omission. The 18th section provides for taking the oath and commands it to be taken “ *immediately on their meeting.* ” They had more power in their hands, than any other 18 men in the State of Maryland, except their faithful brethren. They received that power from the constitution, 84 and in the maturity of their strength they raised, perversely raised impious rebellion against the Power that matured them. They stung the bosom that warmed them into animation. But it has inherent energy sufficient to purge off the poison,

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and to punish the attempted parricide. The offence is enormous: they have wounded the constitution and credit of the state; and, as Electors, have defeated the object and end of their creation.

An offence against public justice may be committed by the non-acceptance of an office, as in the case of an overseer of the poor, a head constable, sheriff, and the like; but upon that point I shall say nothing. I maintain, in fact, they did accept, but refused to perform a material part of their duty. Neither am I disposed, at this time, to say any thing on the subject of a conspiracy to obstruct the laws and subvert the government.

FREDERICK.

There is something so irresistibly forcible and conclusive in this argument, that the guilty agents must themselves admit, that if they escape the penalties of the law, they will owe it, not to their own innocence, but to the clemency and forbearance of the government. Above the crude and undigested notions—the frothy and vapid publications of the Nineteen seceding electors, their prompters, aiders, and abettors, the argument of “Frederick” looms, like a pyramid into notice, in the midst of the sterile and fluctuating sands of the surrounding desert. Not unlike some sturdy and stalwart baron of the iron age of Britain, he bursts into the lists of the effeminate Norman chivalry, and with the ponderous and downright blows of his massive curtle-axe cleaves asunder casque, helmet, and visor.

It has attracted attention throughout the whole country; it has been republished in all the leading journals of the land, and is worthy of all commendation. In the State of Maryland a correct idea of the respective capacities of the reputed authors of this argument and of the Address of the Nineteen has been justly formed upon the character of the two productions; the one breathing the lessons of sober reason, and the other the delirious ravings of Jacobinism.

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In relation to the Proclamation of the Governor, it is worthy of observation, that it appeared on the eighth of November. The Presidential election took place on the seventh of the same month. If this paper had been published previous to the day of election, it might have been considered as an improper interference with the elective franchise of the people. If it had been postponed until the result of the election had been ascertained, it might have been asserted that the Chief Executive officer of the State, not only doubted the attachment and fidelity of the people of Maryland to the institutions of their country, but that he looked abroad for that conservative force, which was inherent in the Executive, and which he was bound to exert.

“Coming events cast their shadows before.” We omitted to transcribe in the proper place certain extracts from a speech delivered by Mr. Jenifer of Maryland in Congress some time last spring. They were generally published during the progress of the elections in Frederick county, and attracted much attention. It will be recollected that Mr. Jenifer, one of the representatives of the State of Maryland, presented certain resolutions of the Legislature of his State upon matters of great public concernment, the reception 85 of which was objected to by Francis Thomas, Esq., a representative from the same State, who argued that the “Legislature of Maryland was not a far exponent of the popular will.”

From a public print, published in one of the upper counties, we transcribe the following extracts from Mr. Jenifer's speech:

“I do not mean to impeach the motives of my colleague— *because* it would be unparliamentary to do so.

I regret that, in the war waged by the General Government against the rights and interest of the States, my colleague should have taken his stand in support of the former against the latter, and should have pursued a course in relation to his own state calculated to bring into disrepute her constitution, her legislature, and her people. He admits that he has no respect for, but holds in contempt her constitution; he charges upon the legislature a

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misrepresentation of the interest and opinions of their constituents; and therefore reflects upon the people themselves for having framed and approved this constitution, and for adhering to the legislature of their own voluntary selection. But why come here to complain of the constitution of Maryland? Does he desire that this House or this Government should reorganise it? or does he intend to invoke the aid of this administration to assist in the *reform* which he and his friends are now attempting throughout the State? Sir, we want no interference from this administration, or the *officers* of this government, in the regulation of our affairs; we have had enough already of intermeddling in our elections, by their dependents; but the honest intelligence of the people has withstood all these efforts at corruption. I am aware that Maryland has been pledged to the support of Mr. Van Buren—but she has not yet been delivered over. Nor have we any apprehension, notwithstanding the bold attacks made upon her constitution and her legislature, and the inducements held out to her people, but that she will be found resisting to the last, all efforts to bring her in subjection to the administration, or to transfer her over to the successor. I confess I do feel a pride and gratification to be a representative from a State, and of a district immediately adjoining, and almost surrounding the seat of this government, whose people have had the firm independence to withstand the temptations, however other districts and other States have yielded to the allurements of power and patronage. \* \* \* \*

Mr. Jenifer resumed. My colleague complains that the representation in Maryland is unequal in another respect; that the smaller counties have a much larger ratio of *black* population, in comparison to the *white*, then the more populous ones. It was not to have been expected that such an objection would have been advanced by any member from a slaveholding state, and at a time, too, when the rights of those states are in danger of being invaded; when the country has for months been almost convulsed by the efforts of the abolitionists, that he should furnish them with an argument in furtherance of their unholy plans. Does not my colleague know that one of the strongest complaints urged by those fanatics to the North is, that the slave population of the South should be represented

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in the congress of the United States? Yet he charges it against his own state. But, sir, upon this subject I have done.

*Mr. Chairman, I am sure you will agree with me, that the annals of legislative proceedings; do not exhibit a more flagrant violation of representative duty than is here developed!!! ”*

LC

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Thus ended the Revolution in Maryland, one of the wildest and most profligate schemes, which ever disturbed for a season the tranquility of a government, and recoiled with unutterable confusion upon its projectors. The direct and exclusive object was to Van Burenise the state under color of Reform. The appropriation of eight millions of dollars for purposes of internal improvement by the whig legislature at its past session, had been so misrepresented, and had created such alarm, that it was highly probable the electoral vote of Maryland would have been cast for Mr. Van Buren for the Presidency.

But there seemed to have been aspiring spirits of the Van Buren party, who were not content that the electoral vote of Maryland should be cast for their candidate by the operations of prevailing causes; it comported with their views and their interests, that they should carry the elections by a great *coup d'etat*, and thus arrogate to themselves the whole merit, and claim the full reward for the transfer of their native State. It was goodly sport to see the “Engineer hoist with his own petard.” The very means to which they induced a portion of their party to resort, not only lost the State to Mr. Van Buren, but has overwhelmed his party in Maryland with such ridicule, contempt, and odium, that they can never recover under their present organization.

We have before adverted to the rapid strides of our youthful people in the paths of precocious corruption; not the least disgusting evidence of which is the paltry ambition which has succeeded to those lofty principles and sentiments that animated those who framed, and for some time administered the government. Fifty years ago this paltry

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ambition would have been held in contempt by the meanest of the people, or would have been frowned into insignificance by that noble elevation of mind which only looked for eminence in the devotion of high personal qualities to the public service; or would have been humbled before that austere virtue which confined public esteem to acts of public utility, supported by unblemished reputation in private morals.

But in our times this high estimate of public and private character, this reverence for virtue and good morals, seem to have been exploded as antiquated notions. The respect which was formerly paid to the institutions of the country,—the attachment and fidelity formerly belonging to the State, the public mind seems now prone to transfer to each private adventurer, who, by abject flattery of the people, seeks the accomplishment of his vile designs.

It is remarkable, that throughout the whole of their proceedings, the Nineteen and their associates seem to have been utterly ignorant, not only of the laws against which they offended, and of the consequences of their conduct; but do not appear to have observed or comprehended, the frightful character of the principles they avowed.

Their professed object was the destruction of the established government, which they wildly thought they had effected; their inducement to the attempt (for their party never acts without its price,) was the hopes of a new establishment, in which their political consequence would be enhanced. In a word they flattered the people to the very verge of destruction. “This REVOLUTIONARY PRINCIPLE, brought into action always under some *popular pretence*, has existed at all times and under all governments. It is 87 as old as discontent, confusion, riot, anarchy, rebellion, and the blood-shed of civil feuds, which are its inseparable attendants.

It presided in the commotions of the Gracchi in ancient Rome; it was awakened at short intervals by Marius and Sylla, Octavius, Anthony and Lepidus. Jack Cade in England was one of its faithful ministrants, and its high priests were Marat, Denton, and Robespierre in



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France. It is in vain to speak of "PEACEFUL REVOLUTION:" it is a contradiction in terms. It is necessarily violent; violence is the element in which it lives, and which it puts into destructive motion; it is inherently violent; violence is its characteristic and essence, it is its origin, means and end, scope, tendency, and design.

If all the blood with which the earth has been deluged in the conflicts of people and nations were gathered into one vast and fathomless ocean, there would be few rivulets supplying the reservoir, which have not sprung from the fountains of Revolution, under pretence of Reformation of Abuses.

The son of David, before he made war upon his father, seduced the fidelity of the people by complaint of abuses, and led them to an unnatural attempt at revolution under colour of reform. But the plans of the Nineteen have been singularly unhappy in their results to themselves. The State of Maryland, before their movement, was considered safe for Mr. Van Buren; but in their attempt to translate it by a grand *coup de main*, they have prostrated the Van Buren party in the State forever. And instead of carrying Reform under their own exclusive auspices by a "peaceful revolution," they are at this time a DISCARDED BAND OF DISORGANIZERS, RESERVED FOR FUTURE CHASTISEMENT OR CLEMENCY.

A peaceful, wise, and judicious reformation of abuses did not suit their depraved taste; and the quiet passage of the State to the support of Mr. Van Buren would not have answered the designs of certain individuals of the Party. The truth is, the Nineteen Electors have been passive tools of certain designing political aspirants, who have used them for their own advancement, to the destruction of their party in Maryland. If the plan of the Nineteen had succeeded, the integrity of the State would have been laid at the feet of Mr. Van Buren by these few individuals, who would have arrogated to themselves the whole merit of the scheme, and would have distributed among themselves the price of the tradition. But if the State had quietly gone for Mr. Van Buren, as it probably would have done, by the

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ordinary mode, it would have been the act of the whole people, and not the bold stroke of a desperate few.

They are entitled to little thanks from their president. By connecting his name with their silly and profligate scheme, they have not only lost him the State of Maryland forever; but they have gone far to infuse into the principles of the Party a destructive and levelling spirit of Jacobinism, which must render it the abhorrence of every virtuous mind.

The principles and consequences of Revolution are eternally the same. They are the same when uttered by the Nineteen Electors, as they were when they fell from the lips of Mirabeau, or were enforced through the lantern and guillotine, by Marat and Robespierre. The only difference is in the materials upon which the spirit of Revolution is intended to operate. If the people of Maryland had been as ripe for revolution as the Nineteen LC 88 seemed to suppose, and if, (which Heaven in its mercy forever avert!) the people of this State had been as ignorant and depraved as the canaille of Paris and Lyons, or as irreligious as the French city population generally; then, the principles and conduct of the Nineteen Electors would have led to the same horrors and atrocities, at the recollection of which the mind shudders with apprehension.

The hasty spark which is struck from the stubborn flint can only ignite combustible materials.

It is a mistaken apprehension, that the people of the western counties of the State, or of the good old county of Frederick in particular, hold the doctrines of the Nineteen seceding Electors in less abhorrence than do the citizens of Maryland generally. The present inequalities of the government operate on them with such injustice, that the voters of the Sixth Congressional district, embracing nearly the whole of the three western counties are almost unanimous in the demand for Reform; but the great body of the same people is prepared to sustain, against any Revolutionary movement, the existing establishment until IT IS PEACEABLY, RIGHTFULLY, AND SOBERLY AMENDED. Let

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it not be supposed, that, because the Revolutionary excitement originated in Frederick, and spread consternation and alarm among its sober inhabitants, it affords any evidence of a general acquiescence in their opinions. On the contrary the Destructives are no where more prostrate and humiliated.

“Because half a dozen grasshoppers,” I borrow the illustration from a forcible writer, “because half a dozen grasshoppers under a fern make the “field ring with their importunate chink, whilst thousands of noble animals “repose beneath the tree of rational liberty, and are silent; pray do not imagine, “that those who make the noise are the only inhabitants of the field; “that of course they are many in number; or that after all they are other “than the little shrivelled, meagre, hopping, though loud and troublesome “insects of the hour.” The Nineteen Electors, and their approvers are a doomed coalition. They are not only prostrate and inanimate now, but they are powerless for mischief in future. The promised ascendancy of their party induced many to support their scheme, who now curse them in the bitterness of their hearts, for having crushed that party forever in the State. The ignis fatuus of radical Reform, with which they seduced many better men than themselves into the bogs, and fens, and thorny paths of tumult, sedition, and Revolution, can never lure a second time. In a word, the prime instigators of this Rebellion are roundly charged with having sacrificed the party for purposes of personal aggrandizement; and with the prostitution of the sacred cause of Reform to the same unhallowed designs.

Strongly as the people of Western Maryland are attached to Reform, they do not desire, “that the vessel of State should fly forward in her course towards regeneration” with more speed than is consistent with its safety before the stiff gales of treason and rebellion. They are not prepared to swing loose from their ancient moorings, and leaving all the ancient landmarks far behind, enter upon a tempestuous navigation, with no chart but the outline of folly, and no pilot but disciples of the Abbé Sieyes, with the principles of Marat. Let them commence the work of reformation when they will; madmen will not be their lawgivers. Men, in comparison with whom, Cataline, might be thought scrupulous, and Cethegus a man of sobriety and 89 moderation; men, who placed as the CORNER STONE of their

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new government the deliberate breach of trust, with which they attempted to subvert the old establishment; such men may sue for the clemency of that government, whose peace and dignity they have so deeply wounded,—but they can never ask of a betrayed and insulted people either to forget the enormity of their crime, or to remove from their foreheads the scathing brand of faithlessness to a confiding constituency.

It was for the people, in their own good time, to proceed with a chary and a skilful hand in restoring the beautiful edifice of their government to its pristine congruity and proportions:—it was the strict and single duty of the Nineteen Seceding Electors to perpetuate the government by the Election of a Senate, and not to destroy it by a precipitate revolution. But they have broken into the very sanctuary of the temple, and the ruins of its sacred ornaments they proposed to make stepping-stones to their work of desecration and destruction. Ruin, in their frenzied conceptions, was the incipient step to Reform. But they stand rebuked before the people, and as long as the respect of a grateful people shall be extended to the Twenty-One, who among the faithless were faithful found,—so long will the Recusant Nineteen live, rebuked by all, and trusted of none. It may be proper to remark here, once for all, that we have continued to use the term Nineteen Electors to avoid confusion; although it has not been our intention to apply any portion of our remarks to that one of the Electors who entered the College immediately after the October Elections.

Thus we have endeavored to trace a feeble outline of the projected Revolution of Maryland. It was a struggle not without deep interest to our sister states of the confederacy. They have watched with intense interest our gallant little bark from the moment when the elements were first troubled; and long and anxiously did they observe her when the fury of the tempest was abroad on the deep; and gladly did they cheer her, when emerging securely from the storm, she at length entered the peaceful haven, with her sails set and her streamers flying; her mutineers under the hatches, and the staid watch proclaimed amid the bells of the night, the joyous sounds, “ALL'S WELL!” A Marylander may well be proud of his gallant little State. The prodigality of her treasure

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and the blood of her noblest sons were freely poured fourth in the purchase of American freedom. And there lingered long among us that surviving one, who in the cause of freedom staked the most and lived the last. Providence in its mercy removed him before the late unnatural attempt of a deluded portion of her children upon the peace and dignity of the republic. Notwithstanding the whole power and patronage of the federal government unceasingly directed against her; the State of Maryland, from the commencement of the present administration, has erected under the very walls of the palace, the banner of defiance, and has gone on triumphing in her course, uncorrupted, undismayed, unsubdued.

Thus may she ever continue! And may that eagle upon our banner, whose gaze has been gladdened by the stars that have been lit up around him beaming with the mild lustre of freedom, never behold stricken out or shorn of its beams, the star of this our native Sate; but bear it onward forever the brightest of the constellation, the ever-burning type and emblem of good old Maryland! 12

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We publish below the names of the Twenty-One faithful Whig Electors, and the *Nineteen Recusant Van Buren Electors* of Senate, that the former may live in the esteem of their countrymen, and the latter be doomed as they deserve.

### **NAMES OF THE TWENTY-ONE WHIG ELECTORS.**

GEORGE S. LEIGH,

BENEDICT I. HEARD,

GEORGE VICKERS,

JAMES P. GALE,

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JAMES KENT,

JAMES A. D. DALRYMPLE,

HENRY BRAWNER,

WILLIAM D. MERRICK,

SOLOMON DICKINSON,

GEORGE DUDLEY,

WILLIAM WILLIAMS, Jr.

SAMUEL J. K. HANDY,

WILLIAM W. LAKE,

THOMAS H. HICKS,

GEORGE W. DUVALL,

THOMAS G. PRATT,

THOMAS A. SPENCE,

HENRY FRANKLIN,

EPHRAIM GAITHER,

RICHARD BEALL,

ANDREW BRUCE.

**NAMES OF THE NINETEEN VAN BUREN ELECTORS.**

CHARLES MAGILL,

ROBERT WASON,

CASPER QUINN,

JOHN FISHER,

GEORGE ELLICOTT,

EPHRAIM BELL,

JOSHUA VANSANT,

JOHN EVANS,

GEORGE A. THOMAS,

SAMUEL SUTTON,

WASHINGTON DUVALL,

ROBERT T. KEENE,

MARCEY FOUNTAIN,

ENOCH GEORGE,

JOHN B. THOMAS,

SPRIGG HARWOOD,

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WESLEY LINTHICUM,

THOMAS HOPE,

JOHN S. SELLMAN.

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